RESOLUTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

7. The following three Resolutions were not moved :

RENEWAL OF LICENSES FOR FIRE-ARMS.

1. MR. TARIATU KUNJITOMMAN (*Muvattupuzha* cum *Todupuzha*) : This Council recommends to the Government that the power to renew licenses for the possession and use of fire-arms for the protection of crops be delegated to the Tahsildars.

EMPLOYMENT OF WOMEN IN PUBLIC SERVICE.

2. MR. A. G. MENON (*Parur*) : This Council recommends to the Government that women, if duly qualified, be given equal chance with men in all the departments of public service in the State.

3. MR. A. THANU PILLAI (*Trivandrum*) : This Council recommends to the Government that a committee with a non-official majority be appointed to enquire into the working of the Development Departments, namely, the Agriculture, Industries, Co-operative and Forest Departments, and formulate proposals for their more efficient working.

Resolution re : Repeal of Newspers Regulation.

PRESIDENT : The next Resolution stands in the name of Mr. K. P. Nilakanta Pillai and it runs as follows :

"4. This Council recommends to the Government that the Newspapers Regulation, Regulation V of 1101, be repealed forthwith."

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Sir, I beg permission to move the following resolution :

This Council recommends to the Government that the Newspapers Regulation, Regulation V of 1101, be repealed forthwith.

Sir, I feel it a privilege to be allowed to move this resolution, and at the same time, I cannot but say, while the whole of India is concerning itself with schemes of self-government, broad based on popular rights and privileges, we in this part of the world are obliged to request the Government to repeal a piece of mischievous Regulation which gags the Newspaper Press in Travancore, which has made democracy successful throughut the world. Sir, let me remind you that we are in the year of grace 1928. Travancore has, for many decades, won the approbation of the whole world for its position as one of the most enlightened portion of India. It has been our good fortune to be ruled by successive Sovereigns, whose memory we claim as our heritage, because to them life was a march of events towards political good. That is the reason why the people of Travancore are so loyal to the Royal House. Under these circumstances, Sir, even at the time of His late Highness Sri Mulam Tirunal the military and the Police were in existence and His Highness had the services of eminent lawyers in the country. They did not think of passing a Regulation like this, not because they did not have the power to do so, but because they felt that they had not the legal authority or the necessity to promulgate a reactionary legislative measure consistent with the relations that exist between the Sovereign and the subjects in this particular land. It is a wonder to many of us, Sir, that the Government were obliged to pass such

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a Regulation in the face of a seething or a universal opposition, throughout the country. With these introductory remarks I may come to the Resolution proper.

I do not propose to enter into a detailed discussion of the method of promulgation and the various provisions of this piece of Regulation because they have been discussed on the very floor of this House, on public platforms and in the Press throughout the country *ad naseum*. Moreover, the Proceedings of the Legislative Council, while this very motion was discussed last time, will convince the House, if carefully read, the depth of feeling and thought evinced during the discussion. Yet, Sir, I have to make some remarks with reference to the Regulation and its provisions simply to convince the House that this Regulation has to be repealed and not to be amended as my friend Mr. Piraviperumal Pillai has suggested.

To begin with, Sir, carefully considering the various provisions of the Regulation, I do not hesitate to say that this Regulation has surpassed all other similar Regulations passed either in British India, or in Baroda, or once in Mysore. Referring more definitely to the provisions which are most stringent and more autocratic, when compared to the Indian Press Act of 1910, the Mysore Newspaper Regulation of 1908, both now repealed —

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is the member asserting that the Mysore Regulation has been repealed ?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Practically it is repealed, and I have no official communication on the matter. A Committee was appointed, and I think that it has suggested the repeal of the Regulation.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Will the member refer to the number and year of the Regulation by which it was repealed ?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Not yet repealed. A Committee was appointed and they have unanimously recommended the repeal of the Regulation. Whether it was repealed or not I have no authorised communication at present. So, Sir, what I was submitting was that it has surpassed all the enactments of a similar kind, whether in British India or in Mysore or in Baroda. This piece of legislation which has been enacted in our country is derogatory to the intelligentia and an insult to the loyalty of the people of this State.

Coming to the various provisions of the Regulation, as I said, I am not going to enter into a detailed discussion. I would only pass over to convince the members on this side of the House the extreme necessity for repealing this piece of Legislation.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I do not want to interrupt Mr. Nilakanta Pillai. But may

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I ask him to explain in some portion or other of his speech how this Regulation affects the liberty of the Press—the Newspapers in Travancore?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I am bound to answer that question in a single sentence as I have to take care of the time at my disposal. It affects in this way, Sir, when the executive has usurped the power of the judiciary of the land it is bound to affect not only the Press but the people as a whole.

What is the necessity for this piece of enactment is the first question that we have to consider. Reviewing the history of Travancore, even before 1101 and after that, I am prepared to say unhesitatingly that there were not the necessary circumstances in the country which demanded such a Regulation. When the Press Act of 1910 was passed in British India many of the members of the House are aware of the conditions obtaining in Bengal, the Punjab and other places which compelled the Government to pass such a measure. There were conspiracies, political assasinations and the whole of Bengal and Assam was seething with discontent and even Honourable Mr. Risely while introducing the bill said not because he wanted to take away the liberty of the Press but because he wanted to save the youth of India from such dangers that he wanted the House to pass such a Law. That was what Mr. Risely said in introducing such an enactment there. I ask the question, what were the peculiar circumstances which necessitated the passing of this enactment in our State? I say there were none.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): May I know from the member whether he has read Mr. Kunjitomman's speech on the last occasion?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Yes, I am expected to have gone through all the speeches delivered in this Council. Is that the question?

Persons who own a Press take to Editorship or Journalism to serve their country, to serve the people at large and to serve the Government of the country. Therefore, even a general charge against the Newspapers of the country that they were not performing their duties properly is not sustainable so far as Travancore is concerned.

Secondly, Sir, I put the question, what is the new offence which has been created by this particular enactment? No new offence which is not punishable under the ordinary law of the country has been created. There are provisions in the Criminal Procedure Code and in the Penal Code under which any offence, even according to the Press Regulation now enacted, may be brought and the offender prosecuted and punished.

MR. MATTHEW MURIKKAN (*Vaikam*): What does the member think about the possession of forfeited Newspapers?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I am coming to that. No new offence, as I said, which cannot be brought under the ordinary law

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of the country is created by this piece of legislation. Therefore, what I am bound to say is that the only object of this Regulation is to take away the powers exercised by the judiciary in the land and to place them in the hands of the executive. That is to say, it violates the fundamental principle of any civilised system of law obtaining in any part of the world.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Can it not be done away with by an amending Regulation?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I am not to be dragged into Mr. Piraviperumal Pillai's useless amendment.

In this way it affects the Press and the public generally. That is, the executive has usurped the powers of judiciary, and so the safety of the public, and the safety of the Newspapers have been endangered to a great extent. Even if a Newspaper has committed an offence, it is punishable under the ordinary law, say under the Criminal Procedure Code or the Penal Code.

The first right that the new Regulation has taken away is the right of a man to be allowed to be heard and to let in evidence. At any moment, when a Newspaper has committed an offence, which may be real or imaginary, the license is cancelled and the paper is forfeited. I ask the members of this House whether they have heard of any piece of legislation in any part of the world which will bear comparison with this particular piece of legislation. Then again, the basic principle of this enactment is that punishment comes first and enquiry next. Absolutely there is no enquiry worth the name. A publisher is allowed to put in a petition before Government; but before that he might have been damned by forfeiture of his press and cancellation of his license to such an extent that even before he puts in his petition he will be eternally damned.

MR. MATTHEW MURIKKAN (*Vaikam*): Is there any provision for taking evidence?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Absolutely not. There is no provision for taking evidence or hearing the Counsel or anything of the kind.

With regard to punishment, Sir, what is the object of punishment as accepted by eminent lawyers who are accepted as authorities in these matters. The punishment should affect, or should have a moral influence upon, the man who is punished. Under the provisions of this Regulation, I ask the question, how can it morally affect when an offender is punished without giving him an opportunity to let in his evidence or to vindicate himself before a court of law. That is being taken away from him. How can it affect him? If I am given a fair trial and if I am punished after that, it has a moral effect because I am convinced that I am guilty. But in this case by an executive order I

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am punished and my press confiscated. Could it have any moral effect upon me? In furtherance of this point I would only quote the opinion of two eminent lawyers. Bradley says about punishments:

> "If there is any opinion to which the man of uncultivated morals is attached, it is the belief in the necessary connection of punishment and guilt. Punishment is punishment, only where it is deserved. We pay the penalty, because we owe it, and for no other reason; and if punishment is inflicted, for any other reason whatever, than because it is merited by wrong, it is a gross immorality, a crying injustice, an abominable crime."

Again another eminent lawyer, Van Bar, says:

> "In order that the disapproval of an act (and consequently of its author) may have that ideal effect of confirming the morality of those disapproving, it is necessary that the determination of the act and of its author be as exact as possible. Therefore a punishment inflicted upon a man innocent (or generally believed to be innocent) does not have the moral effect of punishment. Fear can be spread through the venting of rage against innocent people. But where a people is not completely enervated the ultimate effect of this fear will be directed against its author."

From this the House will be convinced that, if the object is to reform offending editor or an offending proprietor of a press by inflicting punishment which may have a moral influence upon the man, this Regulation does not serve that purpose. By punishing innocent men, by punishing men who may not have been heard, it may not have any moral effect. On the other hand it may react on the authors of this enactment themselves. Sir, a violent Press and the offences being committed by the editors and proprietors is the result of general discontent in the country. Instead of taking steps to remove that discontent, if by a general enactment it is intended to remove the root cause, that is nothing but absurdity and the ultimate result will be that you will be adding to that discontent, and finally it may swell to such an extent that it may go against the authority itself. That is the only purpose which is served by this mischievous piece of enactment. Again, Sir, it is three years since this piece of legislation was enforced in Travancore. I ask the question, even before that how many editors were prosecuted in Travancore. You cannot find more than a number which could be counted by the fingers of one hand. Even after this Regulation was passed, was a single prosecution made under this Regulation? The answer is no. The result is though for three years this Regulation was in force in Travancore no prosecution was launched; therefore this Regulation is a dead letter. Why should we keep it, Sir, if it is a dead letter, in the statute book of the country? The sooner it is removed, I think, it is better for the prosperity of the country and the reputation of our Government. Because the authorities anticipated some difficulty in the press they enacted this measure as a remedy; they cannot use this enactment because there is no offence in the country. That speaks volumes in favour of the Press in Travancore. This points to the necessity for the repeal of this piece of legislation. That is the next point I have to urge.

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Sir, the journalist's profession is not looked down with any amount of contempt in any civilised state. Here a respectable man who goes to the profession of journalism has to deposit a security and take a license. What is the distinction between a journalist and a man who keeps an arrack or a toddy shop in the country? He has also to take out a license. There is absolutely no difference. Is this the kind of enactment which in a State, which boasts of being in the front rank of civilised states so far as India is concerned, should be kept in the statute book? The circumstances before and after the passing of this enactment do not justify this legislation to be kept in the statute book of our country.

Then again, Sir, the Regulation in actual working gives sufficient room for suspicion because all the editors and the proprietors are not treated in the same way. Some are treated differently from others. I know several instances; I have interpellated Government; the answers are before the members of this House; and from that you can readily read that favouritism is shown to some editors and publishers, while it is not shown to others. What I want to convince the House is that, even if the Government is coming forward and opposing the resolution to justify their position, can the Government rise above suspicion even in the matter of taking action under this Regulation? While they treat different editors differently that means some papers are favoured while others are not being treated in the same way. That means the authorities can do what they like; it is nothing but naked autocracy; that is, we have gone back to barbarism. We began with a free press several decades ago. Every country is marching to light. We have relapsed into barbarism. Why not we revert to the old position when we started with a free press in the country? Why not we have such a press, we who boast of having representative institutions with the aid of which the administration of the country is carried on democratic lines. About the importance of having a free press. I will only quote one or two passages from Bryce's *Modern Democracies*.

> "The faith in popular Government rested upon the old dictum; 'let the people have the truth and freedom to discuss it, and all will go well."

Again he says:

> "It exposed oppression and corruption; it arrigned an arbitrary executive, denouncing its selfish or blundering policies; it helped the friends of liberty to rouse the masses. It won popular confidence and sympathy, because it embodied and focussed the power of public opinion. Without it the victory of opinion over the armed force of Governments would not have been won."

Sir, any civilised country which is ruled through the help of representative institutions should have a free press. It is the free press that formulates what is called public opinion, that controls even the representatives of the people and that educates the country as a whole. That is the importance of a free press in every civilised State. Again, coming to the provisions of this Regulation, I will contend, Sir, that this Regulation is enacted on the model of the Regulation which was

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enacted in British India in 1910, the most stringent piece of legislation which I can pick up in any country. Even in that country an editor or printer already possessing a license need not take a license unless called upon by Government. With regard to depositing a security the Magistrate is given a lot of discretion. If the Magistrate is convinced that the editor or proprietor of a press is a respectable man, no security has to be taken and no security is taken. That is the merit of that enactment. Here there is nothing of that kind. Whether you are honourable or dishonourable, if you want to start a paper, you must give security. 'You must take a license according to our whims and fancies.' That is what our Government says. The Mysore Government and the Baroda Government have a Press Law. Even though that Law is in their statute book, it absolutely affects in no way the freedom of the Press and the freedom of speech, because they are framed on broad principles. No editor or proprietor or printer could be punished under those Regulations unless a competent judiciary has pronounced that he has committed an offence under Section 124 (a), 153 (b) or 500 of the Penal Code or some other sections. That is, after he has committed an offence and after a judiciary has gone through the evidence and heard him or his counsel and he has been convicted of sedition or creating class hatred or defaming a man or some other serious effence, he is asked to take a license or deposit security. There is no smell of sedition in our country for the last one century. Even the creation of class hatred is only a passing phase of the last one or two years. Before that there was no fight between communities in our country. Defamation, if you go through the statistics available here you cannot find more than a small amount of prosecutions on that account. All this will show that if these were the objects with which this piece of legislation was enacted, those objects could have been achieved under the existing law of the land—under the Penal Code or the Criminal Procedure Code. No new enactment was necessary. That is not the object.

PRESIDENT: Your time is up.

MR. R. RAMAN PILLAI (*Kottayam*): മിസ്റ്റർ കെ.പി.നീലകണ്ഠപ്പിള്ള ഇവിടെ അവതരിപ്പിച്ച പ്രമേയത്തെ ഞാൻ പിൻതാങ്ങുന്നു. ലോകത്തിൽ ജനസാമാന്യത്തിന്റെ ഇടയിൽ സാമാധാനലംഘനം ഉണ്ടാക്കുന്നതിന് മുതുക്കം ചില മനുഷ്യർ ഉണ്ടെന്ന് ഗവണ്മെൻറിന് ശങ്കതോന്നീട്ട് സകലജനങ്ങളും ഒന്നാംക്ലാസ മജിസ്ട്രേട്ടകോടതിയിൽഹാജരായി നല്ലനടപ്പിന് ജാമ്യം എഴുതിവയ്ക്കണമെന്ന് ഒരു വ്യവസ്ഥചെയ്യുന്നതുപോലെയാണ് ഈ വർത്തമാനപത്ര റഗുലേഷന്റെയും വ്യവസ്ഥ. ചില പത്ര പ്രവർത്തകന്മാർ തെറ്റു ചെയ്യു എന്ന് ഗവണ്മെൻറിന് ശങ്കതോന്നിയതിന്റെ ഫലമായി പത്രപ്രവർത്തകന്മാരെല്ലാവരും നല്ലനടപ്പിന് ജാമ്യം

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കൊടുക്കണമെന്നാണ് നിശ്ചയിച്ചിട്ടുള്ളത്. എൽ. ടി. പരീക്ഷാവിജയികളായ ബിരുദധാരികൾ ലൈസൻസ് എടുക്കുന്നുണ്ട്. ആ അക്ഷരങ്ങൾകൊണ്ട് നിർദ്ദേശിക്കുന്നത് അവർ ലൈസൻസ്ഡ് ടീച്ചേഴ്സ് എന്നാണ്. അപ്രകാരം ലൈസൻസ് എടുക്കുന്നതിൽ കുറവില്ല. എന്നാൽ ജാമ്യം കൊടുക്കേണ്ടിവരുന്നതാണ് വിഷമമായിട്ടുള്ളത്. ഒരാൾ കുറ്റം ചെയ്തു എന്നുള്ള ശങ്കതോന്നിയാൽ സകലമനുഷ്യരും ഡിസ്ട്രിക്ട് മജിസ്ട്രേട്ട് കോടതിയിൽ ഹാജരായി ജാമ്യം കൊടുക്കണമെന്നാണ് പറയുന്നത്. അങ്ങിനെ ജനസാമാന്യത്തിന്റെ പ്രാഥമീകാവകാശത്തെ ഭംഗംവരുത്തുന്നതു സഹിച്ചു കൊണ്ടിരിക്കുന്നതിന് ഒരിക്കലും സ്വതന്ത്രന്മാക്ക് സാധ്യമല്ല. ഒരു മനുഷ്യൻ എന്തു കുറ്റമാണ് ചെയ്തിട്ടുള്ളതെന്ന് അധികാരമുള്ള ന്യായാധിപന്റെ മുമ്പാകെ ഹാജരാക്കി തെളിവുകൊടുക്കുകയും പിന്നീട് അയാളോട് സമാധാനം വാങ്ങി ഇരുഭാഗത്തുമുള്ള തെളിവുകളെപ്പറ്റി പരിഗണനം ചെയ്ത് അവസാനമായ ഒരു തീർച്ചയുണ്ടാവുകയും ചെയ്യുന്നതിന് മുമ്പ് അയാളോട് ജാമ്യം വാങ്ങിക്കുന്നരീതി ഒരിക്കലും സഹ്യമല്ല. അതുപോലെയാണ് പത്രപ്രവർത്തകന്മാരെസംബന്ധിച്ചും ഈ നിയമംകൊണ്ട് ഗവണ്മെൻറ് സാധിച്ചിട്ടുള്ളത്. ഇവർഎന്തെങ്കിലും കുറ്റം ചെയ്താൽ അവരെ ന്യായമായി കോടതിയിൽ ഹാജരാക്കി അവരുടെമേൽ തെളിവ് കൊടുത്ത് അവരിൽകുറ്റം സ്ഥാപിച്ച് സമാധാനം വാങ്ങി ഇരുഭാഗത്തുമുള്ള തെളിവുകളെ പരിഗണിച്ച് ഒരു തീർച്ച ഉണ്ടാക്കിയതിനുശേഷം അവരെ ശിക്ഷിച്ചാൽ സങ്കടത്തിന് വകയില്ലായിരുന്നു. ഒരു മനുഷ്യന്റെ മനസ്സാക്ഷിക്കും യുക്തിക്കും അനുസരിച്ച് തോന്നുന്നതിനെ പറയുകയൊ, കടലാസിൽ എഴുതുകയൊ, അതിനെ അച്ചടിപ്പിക്കുകയൊ ചെയ്യുന്നതിനുള്ള പ്രാഥമീകാവകാശത്തെ നശിപ്പിക്കുന്നതിൽ സങ്കടം ഇല്ലാത്ത ആളുകൾ സാമാന്യേന ലോകത്തിൽ കാണുമെന്ന് എനിക്ക് തോന്നുന്നില്ല. ഈ വിധത്തിൽ നമ്മുടെ രാജ്യത്തു ഒരു നിയമം ഉണ്ടാക്കത്തക്കതായ കാരണങ്ങൾ ഉണ്ടായെന്നുള്ളതിന് ഇതുവരെ തൃപ്തികരമായ യാതൊരുതെളിവും എനിക്ക് കിട്ടീട്ടില്ല. ഈ നിയമം ഉണ്ടായകാലം മുതൽ ഇന്നേവരെ അതിനെക്കുറിച്ച് പലവിധത്തിൽ അന്വേഷണം ചെയ്തുകൊണ്ടിരിക്കുന്നുണ്ട്. ഈ വിഷയത്തിൽ ചിലദോഷങ്ങൾ ചിലപത്രങ്ങളിൽ ഉണ്ടായിരുന്നു എന്നല്ലാതെ രാജ്യത്തെ ജനസാമാന്യത്തിന്റെ ഇടയിൽ ഭയങ്കരമായ സമാധാന ലംഘനം ഉണ്ടാക്കത്തക്കവണ്ണം യാതൊന്നും ഇല്ലായിരുന്നു. ഞാൻ മിക്ക മലയാള പത്രങ്ങളും വായിച്ചുകൊണ്ടിരി

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[Mr. R. Raman Pillai.]

ക്കുന്നതുകൊണ്ട് എന്റെ മനസ്സിന്, മറ്റു സമുദായങ്ങൾക്കൊ. തിരുവിതാംകൂർ ഗവണ്മെന്റിനൊ വൈരസ്യം ജനിപ്പിക്കത്തക്കവണ്ണമുള്ള യാതൊന്നും ആ കടലാസുകളിൽ ഉണ്ടെന്ന് തോന്നീട്ടില്ല.

മറ്റുള്ള സാമാന്യ ജനങ്ങളെക്കാൾ ഏറക്കുറെ എന്നെപ്പോലെയൊ എന്നെക്കാൾ കൂടുതലൊ ശ്രേഷ്ഠന്മാരും യോഗ്യന്മാരുമാണെന്നെ ഞാൻ വിചാരിക്കുന്നുള്ളൂ. അവരുടെ അഭിപ്രായത്തെ അതുപൊട്ടെന്ന ഇളക്കത്തക്കവണ്ണം ഈ പത്രങ്ങളിൽ വല്ല സംഗതിയും കണ്ടിട്ടുണ്ടെന്നു അവരും വിചാരിച്ചിട്ടുണ്ടെന്നു തോന്നുന്നില്ല. ഇപ്രകാരമിരിക്കെ ഈ വിധം ഒരു നിയമം ഉണ്ടാക്കിയതിന്റെ കാരണമെന്തെന്നു എനിക്കു മനസ്സിലാകുന്നില്ല. എന്നു മാത്രവുമല്ല അങ്ങിനെ ഒരു നിയമം തിരുവിതാംകൂറിൽ അത്യാവശ്യമാണൊ എന്നും അങ്ങനെ അത്യാവശ്യമാണെങ്കിൽ ഒരുനിയമം ഉണ്ടാക്കുന്നതിനെപ്പറ്റി വിചിന്തനം ചെയ്യുന്നതിനായി, കഴിഞ്ഞുപോയ മഹാരാജാവു തിരുമനസ്സുകൊണ്ട് ഇവിടെ ഒരു നിയമസഭ സ്ഥാപിച്ചുതന്നിട്ടുണ്ട്. പെട്ടെന്നുണ്ടാകുന്ന ആപത്തുകളെ തടുക്കുന്നതിനു അല്ലാതെ ഈവിധം ഒരു നിയമം ഉണ്ടാക്കേണ്ട ആവശ്യം എന്തായിരിക്കുമെന്നു എനിക്കു മനസ്സിലാകുന്നില്ല. ഈ റെഗുലേഷൻപ്രകാരം കുറെമായി നിർദ്ദേശിച്ചിരിക്കുന്ന എല്ലാവകുപ്പുകൾക്കും തിരുവിതാംകൂർ ശിക്ഷാനിയമത്തിൽ തക്ക പരിഹാരം ഉണ്ടെന്നാണ് എനിക്കുതോന്നുന്നതു്. അഥവാ അതിൽ പരിഹാരമില്ലെന്നുതോന്നുന്നുഎങ്കിൽ അതിനെ പ്രത്യേകം ഭേദപ്പെടുത്തി അതിന്റെ രൂപങ്ങളിൽ കൂടുതൽ വ്യവസ്ഥ ചെയ്യാവുന്നതാണു്. ഇതുപോലും ചെയ്യാതെ ഇത്ര കഠിനമായിട്ടുള്ള ഒരായുധം പത്രപ്രവർത്തകന്മാരുടെ പടലിക്കു തുക്കിയിരിക്കുന്നതു് അത്യന്തം ഉത്സാഹമാണു്. അവനവന തോന്നുന്ന സംഗതികൾ യഥായുക്തം തുറന്നു പ്രസ്താവിക്കുന്നതിനു ബാധകമായിരിക്കുന്ന ഈ നിയമത്തെപ്പറ്റി അത്യന്തം വ്യസനിക്കേണ്ടിയിരിക്കുന്നു. അതുകൊണ്ടു ഈ നിയമസഭയുടെ പുനരാലോചനക്കായി മിസ്റ്റർ കെ. പി. നീലകണ്ഠപ്പിള്ള സമർപ്പിച്ച പ്രമേയത്തെ ബലമായി പിൻതാങ്ങുന്നു.

MR. D. C. JOSEPH (*Agastisvaram*): Sir, my rising to oppose this resolution may appear to be rather strange.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Is it because he is an editor?

MR. D. C. JOSEPH (*Agastisvaram*): As a member I am standing up. I have my own reasons to oppose this resolution. I stand here not only as a member but also as one belonging to the Fourth Estate. The Fourth Estate has done marvellous good to the people of the

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country. Journalism is considered to be a noble profession. It has to be considered with great veneration and respect. This profession should be used for the better advancement of the State or country and those who are engaged in that profession should fulfil the noble task for which they are called upon. Journalists should realise that their duties are onerous and very responsible. If the future of a country depends upon the policy adopted by a journalist or journalism in a particular age, if our young men are allowed to read scurrilous writings, defamatory speeches and also if our young men are allowed to ruminate over unpalatable things, their career will be ruined and they will be directed in a path which will be injurious not only to their interest but also to the interest of the State or country to which they belong. I plead strongly that if our society is to be improved or if our political aspirations will have to be good or if our elections to the Councils must lead to an improvement in the existing conditions or if our communal jealousies will have to give room for better and independent feelings, then these things more or less depend upon the journalists and their profession.

The civil and criminal Procedure Codes are enacted by Government. None would come forward and question the desirability of enacting such rules or question the necessity or even come forward to repeal such Acts. Perhaps people may think that such a Regulation is required in the interests of the people of the State or perhaps they may say that the people are criminally inclined.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*) : Does the member think that there was necessity for enacting this Regulation ?

MR. D. C. JOSEPH (*Agastisvaram*) : Yes, there was a necessity. I have twenty years experience as an editor. And I find that this Regulation is necessary. Scurrilous writtings, defamatory speeches and articles, even levelled against the Royal House assumed to create disturbances in the country.

MR. A. THNU PILLAI (*Trivandrum*) : Can the member refer to any article against the Royal House in Travancore papers ?

MR. D. C. JOSEPH (*Aastisvaram*) : I will refer to the article with the heading *Nankooram* and *Amukuram*. Such an article would create unpleasantness and disloyalty in the country.

MR. MURUVELIL PACHU PILLAI (*Shetallai*) : ഡിസ്ലായൽട്ടിക്ക ശിക്ഷിക്കാൻ പീനൽകോഡിൽവകുപ്പില്ലയോ?

MR. D. C. JOSEPH (*Agastisvaram*) : There may be provisions. But this particular Regulation was found rather indispensable at the time.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*) ; When there are provisions in the general law of the land, what was the necessity for this Regulation ?

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MR. D. C JOSEPH (*Agastisvaram*) : The Government found it necessary to improve matters.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): May I know whether in the Criminal Procedure Code there is any provision for stopping a particular newspaper ?

MR. D. C. JOSEPH (*Agastisvaram*): There is no provision under the Criminal Procedure Code.

MR. MATTHEW MURIKKAN (*Vaikam*) : May I know from the member whether the Criminal Procedure Code does not provide for the confiscation of the press if necessary ?

MR. D. C. JOSEPH (*Agastisvaram*): No, there is no provision for the confiscation of the press. As long as the world exists there should be rules and laws for our guidance and control, for controlling our passions ; otherwise we would be led into difficulties. True, we are living in a democratic age. But when we misuse the freedom given to us, it is the duty of the Government to come to the rescue of the people at large. If such a remedy was not taken at such a time, I think, there would have been communal disputes and even blood sheds. But fortunately Government came to the rescue and passed this Regulation. While passing the Regulation editors are not forbidden to write any reasonable criticism of the acts of the Government which will go against the interests of the people and there is also our freedom of speech.

This particular Regulation has not curbed the freedom of speech in the country. If such has happened I would protest against the policy of the Government.

There are so many newspapers in the State writing scurrilous articles. Sometimes personal attacks creating ill-feeling against several communities in the State are also indulged in. Government have not *done* anything in these matters.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Then why should there be a Regulation of this sort at all ?

MR. D. C. JOSEPH (*Agastisvaram*) : This is not a stringent measure affecting any editor. In spite of this Regulation, all sorts of nasty things are being said by editors even now. This Regulation has not in any way encroached upon the rights of the editors.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*) : Were the writings abusive writings ?

MR. D. C. JOSEPH (*Agastisvaram*) : They were abusive and defamatory writings, vilifying people and tending to create communal hatred.

MR. A. THANU PILLAI (*Trivandrum*): May I know whether the member directs his remarks against the Malayalam Newspapers of the State ?

MR. D. C. JOSEPH (*Agastisvaram*): Generally, there is a feeling against the Malayalam papers that they are committing outrages on

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journalism. I cannot but say that. Government have no responsibility for such scurrilous and defamatory writings in the papers in Travancore.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Is it the personal opinion of the member that the Government have no responsibility or is he authorised to speak on behalf of Government?

MR. D. C. JOSEPH (*Agastisvaram*): It is my personal opinion. I am a newspaper editor for these 20 years.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Has he written any defamatory writings in the newspapers?

MR. D. C. JOSEPH (*Agastisvaram*): No.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): What is the reason for the difference in treatment between Vernacular papers and English papers by the Government?

MR. D. C. JOSEPH (*Agastisvaram*): Government know better.

MR. A. THANU PILLAI (*Trivandrum*): May I know whether the member is referring to Tamil, Malayalam or English papers?

MR. D. C. JOSEPH (*Agastisvaram*): To newspapers in general in Travancore and particularly to Vernacular newspapers.

Those who are outside the State are writing a lot of things against our Press Law. They do not know anything about it. If they come to Travancore and see the situation here, they would not venture to write anything about our Press Law. They have misunderstood everything and been misinformed by loose criticisms. Those who are able to read these articles know that they are levelled not only against the officers but everybody whom the editors do not like and want to attack. They do not spare even the Council members.

MR. A. THANU PILLAI (*Trivandrum*): Will the member specify the papers to which he refers?

MR. D. C. JOSEPH (*Agastisvaram*): I do not mean any particular paper.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): Does the member know Malayalam?

MR. D. C. JOSEPH (*Agastisvaram*): I know to read and write Malayalam.

MR. A. THANU PILLAI (*Trivandrum*): May I know from the member how many papers there are in Travancore?

MR. D. C. JOSEPH (*Agastisvaram*): More than one hundred or one hundred and fifty.

MR. A. THANU PILLAI (*Trivandrum*): Does he mean to say that his statements apply to all these papers?

MR. D. C. JOSEPH (*Agastisvaram*) I mean only those papers which are giving publicity to defamatory articles.

MR A. THANU PILLAI (*Trivandrum*): May I know the number of papers to which he made reference when he made that statement?

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MR. D. C. JOSEPH (*Agastisvaram*): I am not prepared to answer that question.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know from the member one instance of a defamatory article which has been published in the Vernacular Press?

MR. D. C. JOSEPH (*Agastisvaram*): I am not prepared to answer hat question.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): No, he cannot.

MR. D. C. JOSEPH (*Agastisvaram*): Not that I cannot, but that I am not prepared to answer that question.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): What was the basis for the general statement which he made?

MR. D. C. JOSEPH (*Agastisvaram*): I have come to that conclusion by a general reading of the articles appearing in the newspapers.

I strongly oppose the resolution. I also believe that when the Government find it necessary to repeal the Regulation they will do so. That is the duty of the Government. We have to organise associations, change views and purify the press in Travancore. Then Government will be able to realise the position.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Has the member done anything to purify journalism in Travancore?

MR. D. C. JOSEPH (*Agastisvaram*): I oppose the resolution.

MR MURUVELIL PACHU PILLAI (*Shertallai*): എന്റെ സ്നേഹിതൻ മിസ്റ്റർ കെ. പി. നീലകണ്ഠപ്പിള്ള ഇവിടെ അവതരിപ്പിച്ച പ്രമേയത്തെ ഞാൻ സർവ്വശക്തികളും ഉപയോഗിച്ച് പിൻതാങ്ങുന്നു. എന്റെ സ്നേഹിതൻ മിസ്റ്റർ ഡി. സി. ജോസഫിനെ പോലെ ഞാൻ 40 വർഷക്കാലമായി ഒരു പത്രാധിപരല്ലെങ്കിലും ഒരു രാജ്യത്തുനിന്നും പ്രസിദ്ധപ്പെടുത്തുന്ന മിക്ക വർത്തമാനപ്പത്രങ്ങളും മുപ്പതുവർഷക്കാലമായി വായിച്ചുകൊണ്ടിരിക്കുന്നയൊരുവനാണ്. ഈ രാജ്യത്തെ മലയാളപത്രങ്ങളെമിസ്റ്റർ ജോസഫ് കുറപ്പെടുത്തിഎന്നവരികിലും ഇവിടെ മലയാളവിദ്യാഭ്യാസത്തിലേക്കു വേണ്ടി ഇപ്പോൾ ചിലവു ചെയ്തുകൊണ്ടിരിക്കുന്ന തുക എത്ര അധികമെന്നുള്ളതു ഒരംസമയത്തു അദ്ദേഹം ആലോചിച്ചിട്ടുണ്ടോ എന്നു സംശയമാണ്. വിദ്യാഭ്യാസത്തിന്റെ വകക്കു അടുത്തകൊല്ലത്തേക്കു 8 ലക്ഷം രൂപാ അനുവദിച്ചിരിക്കുന്നു. പത്തു കൊല്ലത്തിനു മുമ്പുള്ള കണക്കുകൾനോക്കുന്നതായാൽ ഓരോ കൊല്ലവുംവിദ്യാഭ്യാസത്തിന്റെ അഭിവൃദ്ധിക്കു വേണ്ടി കൂടുതൽ പണം ബഡ്ജറിൽചേർത്തു ചിലവു ചെയ്തുകൊണ്ടിരിക്കുന്നതായികാണാം. ഇപ്രകാരം വിദ്യാഭ്യാസത്തിൽ

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മുന്നണിയിൽ നില്ക്കുന്ന ഒരം രാജ്യത്തുള്ള ജനങ്ങൾക്കു വത്തമാനപത്രംനട ത്തുന്നതിനുള്ള പരിചയവും പ്രാപ്തിയും ഉണ്ടായിട്ടില്ലെന്നു ശങ്കിക്കുന്നതു തന്നെ വളരെഅബദ്ധമാണു. ഒരു രാജ്യം ഉന്നതിയെ പ്രാപിക്കുന്നതു് അവിടേയുള്ള ജനങ്ങളുടെ ഇടയിൽ വർദ്ധിച്ചുവരുന്ന വിദ്യാഭ്യാസനില യെ ആശ്രയിച്ചിരിക്കുന്നു.

വിദ്യാഭ്യാസവിഷയത്തിൽ മറു നാട്ടരാജ്യങ്ങളെ അപേക്ഷിച്ചു ഒരം രാജ്യം എത്രമേൽ അഭിവൃദ്ധിപ്പെട്ടിട്ടുണ്ടെന്നുള്ളതു രാജ്യഭരണനിപ്പോ ർട്ടിൽ കാണാവുന്നതും അതിലേക്കു ചിലവാകുന്ന തുക മതിയായ സാ ക്ഷ്യം വഹിക്കുന്നതുമാകുന്നു.

സർ, ഈ രാജ്യത്തെ ജനങ്ങളുടെഇടയിൽ അപ്പോഴപ്പോൾ കാ ലോചിതമായ പരിഷ്കാരത്തെ പ്രവർത്തികരിക്കുന്നതിനും ഗവണ്മെൻറിനു വേണ്ടുന്ന ഉപദേശങ്ങൾ കൊടുത്തു നല്ല വഴിക്കു നയിക്കുന്നതിനും ഉള്ള ഒരു സ്ഥാനം വഹിക്കുന്നത് ഒരം രാജ്യത്തെ വത്തമാന പത്രങ്ങളാണു്. ഇങ്ങനെയുള്ള വത്തമാനപ്പത്രങ്ങളുടെ സ്വാതന്ത്ര്യ ത്തെ തടുക്കുന്നതു് നിശ്ചയമായിട്ടും രാജ്യത്തിന്റെ മുന്നോട്ടുള്ള ഗതിക്കു തടസ്സമായി വരുന്നതാണെന്നുള്ളതിനു യാതൊരു സംശയവുമില്ല. എ ക്സിക്യൂട്ടിവ് ഗവണ്മെൻറിന്റെ നടപടികളെ ശരിയായി പരിശോ ധിച്ചു് അതിനെ നല്ലവഴിയിൽ നയിപ്പിക്കുന്നതു വത്തമാനപ്പത്രങ്ങള ുടെ പ്രധാന ചുമതലയാണു. ഇങ്ങനെയുള്ള വത്തമാനപ്പത്രങ്ങളെ നി യന്ത്രിക്കുന്നതിനും അതിന്റെ പ്രവത്തകന്മാരെ ബോധിച്ചപോലെ ശി ക്ഷിക്കുന്നതിനുമുള്ള അധികാരം എക്സിക്യൂട്ടിവ് ഗവണ്മെൻറു കയ്യേ റെടുക്കുന്നതു ഒരുവിധത്തിലും ന്യായമല്ല. ഉദ്യോഗസ്ഥന്മാരുടെ നട പടികളെ ഉത്തമവിശ്വാസത്തോടുകൂടി പരിശോധിച്ചു അവരെ നല്ലവ ഴിക്കു നയിക്കുവാൻശ്രമിക്കുന്നതും ഒരം വത്തമാനപത്രങ്ങൾതന്നെ. അ വരുടെ ന്യായരഹിതങ്ങളായ പ്രവത്തികളെ പൊതുജനങ്ങളുടെയിടയിൽ പരത്തുന്നതുംവത്തമാനപ്പത്രങ്ങളത്രേ. ഇങ്ങിനെ എക്സിക്യൂട്ടിവ ഗവ ർമെൻിനേറയും ഗവണ്മെൻറുദ്യോഗസ്ഥന്മാരുടെയും നടപടികളെ വിമ ർശനം ചെയ്യുന്നതിൽനിന്നും വത്തമാനപത്രങ്ങളെ തടുക്കത്തക്കവണ്ണമുള്ള അധികാരം ഗവർമെൻറുകവന്നെടുത്തു വച്ചുകൊണ്ടിരിക്കുന്നതു ഒരിക്ക ലും സമ്മതിക്കാവുന്നതല്ലെന്നുമാത്രവുമല്ല അതു് ഒട്ടുംതന്നെ ആദരണീയ വുമല്ല.

ഇവിടെ ഇപ്പോൾ നടപ്പാക്കീട്ടുള്ള ഫ ഫ ൦ ഫ-ലെ അഞ്ചാംറഗുലേ ഷനായ ഒരം വത്തമാനപത്രറഗുലേഷന്റെ അഞ്ചാംവകുപ്പുകൊണ്ടു ഉദ്ദേ

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[Mr. Muruvelil Pachu Pillai.]

ശിക്കുന്ന കാര്യങ്ങളെല്ലാം സാധിക്കുന്നതിനു ഇവിടത്തെ പാനൽകോടിലെ നിബന്ധനകർത്താരാളം മതിയാകുന്നതാണു്. ഒരാം അഞ്ചാംവകുപ്പിലടങ്ങിയ കുറങ്ങർം എല്ലാം തിരുവിതാംകൂർ ശിക്ഷാനിയമത്തിൽ ക ക ഒ, ഇ ക്രമ, ആദിയായ വകുപ്പുകളിൽഉർപ്പെട്ടവയാണു്. ശിക്ഷാനിയമം ഇ ഠ സ-ാംവകുപ്പിൻപ്രകാരമുള്ള അപകീർത്തികുറ്റത്തിനു തന്നെഅന്യായം കൊടുക്കുന്നതിനു സങ്കടം അനുഭവിച്ച കക്ഷിക്കു മാത്രമേ ക്രിമിനൽനടപടിനിയമപ്രകാരം അധികാരമുള്ളൂ. അതുഒരു വാറണ്ടു കേസുമാണു്. ഈ വാറണ്ടു കേസുകളിൽ അന്യായഭാഗം തെളിവു മുഴുവൻ തീർത്തശേഷമല്ലാതെ പ്രതിയോടു എതുതെളിവൊന്നും ചോദിക്കാറില്ല. അന്യായഭാഗം തെളിവുകൊണ്ടുപ്രതി കുറക്കാരനാണെന്നു കോടതിക്കു ബോധ്യം വന്നതിനു ശേഷമല്ലാതെ കുറപത്രംപോലും കൊടുക്കാറില്ല. കേസിൽ എതുവാദം ചെയ്യുന്നതിനു വേണ്ട തെളിവുകർം കൊടുക്കുന്നതിനും കുറക്കാരനു അവകാശവുമുണ്ടു. അന്യായം കൊടുക്കുന്ന ആളിനും പ്രതിക്കും സമ്മതമുണ്ടെങ്കിൽ ആ കേസു രാജികൊടുക്കയുംചെയ്യാം. കോടതിക്കു സമ്മതമുണ്ടെങ്കിലെ ഒരാം രാജി സ്വീകരിക്കാവൂ എന്നുപോലുംനിർബന്ധമില്ലാ. ഇതുയുംപ്രസ്താവിച്ചതിൽനിന്നു എക്സിക്യൂട്ടീവു ഗവണ്മെൻറിനു പത്രപ്രവർത്തകന്മാരെ ശിക്ഷിക്കുന്നതിനു ഒരു നിയമത്താൽ അനിയന്ത്രിതമായ അധികാരം സിദ്ധിച്ചിട്ടുണ്ടെന്നു തെളിയുന്നതാണു്. ഒരാംനിലവാദി തന്നെ വിധികർത്താവായി തീരുന്നതിനതുല്യമാണു്. ഇങ്ങിനെ ഒരു സ്വാതന്ത്ര്യം അനുവദിച്ചുകൊടുത്തിരിക്കുന്നതു ആപൽക്കരമാണു്. അതുകൊണ്ടു ജനങ്ങർംസ്വാതന്ത്ര്യമായി അവരുടെ അഭിപ്രായത്തെ പ്രകടിപ്പിക്കുന്നതിനു മടിക്കുകയും തൻനിമിത്തം രാജ്യാഭിവൃദ്ധി അചിരേണ അധഃപതിക്കുന്നതിനു ഇടയാകുകയും ചെയ്യുന്നു. ഈ കാരണങ്ങളെ ആസ്പദമാക്കി നോക്കിയാൽ നിശ്ചയമായിട്ടും ഈ നിയമത്തെ റദ്ദ് ചെയ്യേണ്ടതു വളരെ അത്യാവശ്യമാണു്.

ഇവിടത്തെ ഈ വർത്തമാനപത്ര റഗുലേഷൻ കൊണ്ടു സകലപത്രപ്രവർത്തകന്മാരേയും ഒന്നുപോലെ സംശയത്തോടുകൂടി ഗവൺമെൻറുവീക്ഷിക്കുകയും കുറക്കാരായി ഗണിക്കുകയും ചെയ്യുന്നു. ഇപ്പോർം നടപ്പിലിരിക്കുന്ന നിയമത്തിൽ ഒരുപത്രപ്രവർത്തകൻ നിർദോഷിയാണെന്നുതെളിയിക്കുന്നതിനു വേണ്ടുന്നശരിയായ വ്യവസ്ഥകർം ഒന്നുമില്ല. സകലപത്രപ്രവർത്തകന്മാരും ജാമ്യം കെട്ടിവച്ചതിനു് മേൽ അല്ലാതെ

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പത്രം നടത്താൻ പാടില്ലഎന്നും ഈ നിയമത്താൽ നിഷ്കർഷിച്ചിരി ക്കുന്നു. ഇതു് നിശ്ചയമായും ന്യായമായിട്ടുള്ളതല്ല.

• ഒരു വർത്തമാനപത്രത്തിന്റെ ലൈസൻസ് തടഞ്ഞ് ആ പത്ര ത്തെ തടുത്തതിനുശേഷം അതിന്റെ ഏതെങ്കിലും പ്രതികം വീട്ടുടമ സ്ഥൻ അറിയാതെ ഒരു വീട്ടിനകത്തു് കടന്നുക്രൂന്നതായാൽ ഒരു പോലിസ് ഇൻസ്പെക്ടരുടെ സ്ഥാനത്തിൽ കുറയാത്ത ഒരുദ്യോഗസ്ഥന് ആ വീട്ടിനകത്തു് കടന്നു പരിശോധിക്കുന്നതിനും ആ കടലാസിനെ തൊണ്ടിയായി എടുക്കുന്നതിനും അധികാരമുണ്ടെന്നു് വച്ചിരിക്കുന്നു. ഇതു കൊണ്ടു് പലവിധത്തിലുള്ള മാനക്ഷയത്തിനും ഉപദ്രവങ്ങൾക്കും കാരണമായി തീർന്നിട്ടുണ്ടു്. ഇതിനെ സംബന്ധിച്ചു അപ്പീൽകൊടുക്കു ന്നതിനും ന്യായമായ മാർഗ്ഗം അനുവദിക്കപ്പെട്ടിട്ടില്ല. ഒരാളിന്റെ സമാധാനം കേൾക്കാതെ അയാളെ ശിക്ഷിക്കുക എന്നുള്ളതു് യാതൊ രു ഗവണ്മെൻറിന്റെയും സ്വഭാവിക നീതിയ്ക്കു് യോജിച്ചതല്ല. ഓരം വർത്തമാനപത്രനിയമത്തെ ഇതേ രീതിയിൽ വച്ചു കൊണ്ടിരിക്കുന്നതി നാൽ ജനങ്ങളുടെ അഭിവൃദ്ധിക്കും നമ്മുടെ രാജ്യത്തിന്റെ പൊതുവെ യുള്ള ക്ഷേമത്തിനും എല്ലാ സമയത്തും എല്ലാ കാര്യത്തിലും ഗവണ്മെ ൻറിന്റേയും ഉദ്യോഗസ്ഥന്മാരുടെയും നടപടികളെ വേണ്ടപോലെ പരിശോധിച്ചു് ഓരോ അഭിപ്രായങ്ങളെ തുറന്നുപറയുന്നതിനും നിവൃ ത്തിയില്ലാതെ തീർന്നിരിക്കുന്നു. അതിനാൽ രാജ്യത്തിന്റെ പൊതു ന്മയ്ക്കുവേണ്ടി ഓരം നിയമത്തെ ഉടനെ റദ്ദു് ചെയ്യേണ്ടതു് അത്യാവ ശ്യമാണു്.

ഇതുപോലെ മറ്റു പല നാട്ടുരാജ്യങ്ങളിലും നടപ്പാക്കിട്ടുള്ള വ ർത്തമാനപത്രനിയമത്തെ റദ്ദു് ചെയ്യുന്നതിനു് വേണ്ട നടപടികൾ അ വർ നടത്തിക്കഴിഞ്ഞിരിക്കുന്നു. ഇവിടെ ഇങ്ങനെഒരുനിയമം നടപ്പിൽ വരുത്തിയതു് ജനങ്ങളുടെ ക്ഷേമത്തിനും രാജ്യത്തിന്റെ അഭിവൃദ്ധിക്കും വേണ്ടി യാണൊ എന്നു് ഞങ്ങൾക്കു് നിശ്ചയമില്ല. ഈനിയമം നടപ്പി ൽ വരുത്തിയതു് എന്തു്ഉദ്ദേശത്തോടുകൂടിയായാലും ഇതു്പരമാർത്ഥത്തി ൽ രാജ്യാഭിവൃദ്ധിക്കു വളരെ ദോഷകരമായ ഒരു നിയമമാണു്. ഇതുനിമി ത്തം രാജ്യത്തിന്റെയും ജനങ്ങളുടേയും പൊതുവേയുള്ള നന്മയ്ക്കു് വളരെ പ്രതിബന്ധം നേരിട്ടിരിക്കുന്നു. അങ്ങനെയുള്ള ഈ നിയമത്തെ ഉടനെ റദ്ദുചെയ്യേണ്ടതു ഗവണ്മെൻറിന്റെ മുമതലയാണു്. ഈ നിയമം ഇ വിടെ നടപ്പാക്കിയ സമയം ഗവണ്മെൻറിന്റെ ഉദ്ദേശം എന്തുതന്നെ യായിരുന്നാലും അതിൽ നിന്നും ലഭിച്ചഫലം അഭിലഷണീയമല്ലെന്നു്

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[Mr. Muruvelil Pachu Pillai.]

കഴിഞ്ഞ മൂന്നു വർഷത്തെ സംഭവങ്ങൾകൊണ്ടു ധാരാളം ബോദ്ധ്യപ്പെട്ടിട്ടുണ്ടു. ആ സ്ഥിതിക്കു ഇതിനെ നിശ്ചയമായിട്ടും റദ്ദുചെയ്യുതരേണ്ടതാണെന്നു ഞങ്ങൾ അപേക്ഷിക്കുമ്പോൾ അതിനെ ഭയവോട്ടുകൂടി കൈയ്യാളേണ്ടതു് ഗവണ്മെൻറിന്റെ ചുമതലയാണു. രാജ്യത്തിന്റെ പൊതുവെയുള്ള നന്മയെ പ്രതിരോധിക്കണമെന്നും ജനങ്ങളുടെ അഭിപ്രായസ്വാതന്ത്ര്യത്തെ തടയണമെന്നുമുള്ള വിചാരം ഗവണ്മെൻറിനില്ലെന്നു ഞങ്ങൾക്കറിയാം. അതുകൊണ്ടു് ഞങ്ങൾ ഉത്തമവിശ്വാസത്തോടുകൂടി ചെയ്യുന്ന ഈ അപേക്ഷയെ ഗവർമെൻറു സദയം സ്വീകരിച്ചു ഈ നിയമത്തെ ഉടനടി റദ്ദുചെയ്യുമെന്നതന്നെ ഞാൻ വിശ്വസിക്കുകയും ഒരുവിശ്വാസത്തോടുകൂടി എന്റെസ്നേഹിതന്റെ പ്രമേയത്തെ ഞാൻ പിൻതാങ്ങുകയും ചെയ്യുന്നു.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to oppose this resolution. The Regulation which is under debate was passed two years ago, to meet certain reprehensible characteristics of a certain section of the Travancore Journalism—certain diseases if I may so call them of Travancore Journalism—the enactment being the remedy applied by the Sovereign to the diseases. Immediately after the passing of this Regulation its propriety and necessity were raised in debate in this House. And now, seeing that a resolution is being moved today, I feel, Sir, that it is a very fortunate event that that debate took place so immediately after the enactment, because the House was then in a much better position to judge and decide on the diseases of journalism and to judge whether the remedy applied was efficacious and necessary or too severe.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): May I know whether these characteristics were in existence before 1102?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. I shall refer to it presently.

The House had then a perfect and vivid recollection of what was taking place in the country, of the most objectionable pieces of writings occurring very frequently in a certain section of the Press. While the House was so peculiarly fit to decide the facts, and to judge whether a remedy was necessary or not, it was called upon to decide the question. That I consider, Sir, to be a very fortunate event. The House did give a verdict then. I do not deny for a moment that it is competent to this House to give a different judgment today. But the question is, would it be reasonable for this House sitting 2 years after the event to give a different verdict?

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Is there any objection to decide the question in a different way now?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : No, not at all. But would it be right or reasonable without some extraordinary reason? Looking at the Division List of two years ago when this House set its seal of approval on the enactment by a very large majority, I find that only 14 voted against the Regulation.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : May I know what is the number of the elected members who approved this resolution?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : That must be very well-known to the member.

Sir, only, 14 out of 35 non-offical members were found to oppose the Regulation and, Sir, I hope the House will in reconsidering the matter give due weight to the fact, that the House at that time was peculiarly fitted to judge of this question owing to the circumstance of its sitting then with a vivid recollection of the reprehensible characteristics of the particular section of the Press.

Today, Sir, I see that some of the members are even questioning the existence of those characteristics in the Press. But at the time of the previous debate even those who opposed the Regulation did not challenge the existence of these characteristics.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : May I know whether those characteristics exist now?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I am coming to that.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : May I know whether the members whose names are found in the Division list opposing the Regulation conceded that there were such characteristics existing in the Press?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes. That is what I am saying. Although the existence of the characteristics was repeatedly urged in the House nobody questioned it. As for Mr. Nilakanta Pillai he even expressly conceded it. I shall presently read what Mr. Nilakanta Pillai then said. But now I am saying, that the other day not one of the persons who opposed the Regulation questioned the existence of these characteristics.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : I do not understand what the Law Member means by saying 'opposed the *resolution*.'

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I said opposed the *Regulation*. Those characteristics, to sum up briefly because I am sure that the House and all those who are interested in this matter must have read that debate and I do not propose to reiterate all that was stated then—but briefly the characteristics were sedition against the Royal Family of Travancore, and the Paramount power, contempt of members of the Royal Family, promotion of communal hatred and habitual vilification of respectable persons couched even in obscene language.

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MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): When the Law Member refers to sedition against the Royal Family of Travancore may I ask him to cite one example of seditious article which the Press has written against the Ruling Family?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. I can show the member if he will only come to the Secretariat, many papers containing seditious articles against the Ruling Family.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*); I shall be satisfied with one article.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I can refer to it. In fact, last time when the debate was going on I had all these cuttings with me and I offered to read them and nobody wanted it then, for the obvious reason that every body remembered it then.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know one instance of the seditious articles written against the Ruling family?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, I think I can say even now. I have not got the articles with me. I can give the reference from my notes for the debate of last time. I never thought that the existence of these will be questioned today. It was admitted, last time. As for the articles, take for instance, the article under the caption "കുതജ്ഞതയില്ലാത്ത രാജസ്ഥാനത്തെ നിങ്ങൾ ആരാധിക്കുന്നതെന്തിന്" or the reference in another article as "ഇസ്റ്റേട്ട് രാജാക്കന്മാർ".

If the member wants to see these articles he is welcome to go to the Secretariat any day and examine these and other papers of this sort.

MR. A. THANU PILLAI (*Trivandrum*): Was there any prosecution of any newspaper?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There was.

MR. A. THANU PILLAI (*Trivandrum*): May I know when it was?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If the member will kindly refer to the previous debate he will find the answer.

MR. MATTHEW MURIKKAN (*Vaikam*): Will the Law Member be pleased to point out the Section which provides against the publication of obscene language?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That point was also specifically raised during the last debate and I have explained it. But that is not the point I am dealing with now.

MR. MATTHEW MURIKKAN (*Vaikam*): But is there any Section in the Penal Code which provides against the publication of obscene language?

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MR KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Not perhaps in itself. If the vilification of a person is couched in obscene language, then it is an offence.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Then is it for preventing seditious articles and articles creating communal hatred that this Regulation was enacted?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, for these and others.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether there is any provision in the Penal Code for the punishment of such offences?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There is.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Then what is the additional offence that has been declared punishable by this enactment?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I shall come to that presently.

The reprehensible characteristics of these papers were sedition against the Royal Family, and the Paramount power, promotion of communal hatred and habitual vilification of responsible people, officers and others, couched in obscene language. These papers were brought into being or conducted very often by men of low status, of unscrupulous character, who thought that the inside of a gaol was as good as the outside of it.

Yet another characteristic of these papers was that the men who ostensibly conducted the papers were mere dummies. Very often the declared publisher was only a compositor or a dismissed errand boy, while the real person who was running the paper was behind.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know whether these defects could not be removed by prescribing qualifications for Editors?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am now speaking only of the Regulation as it stands. The question asked is but a hypothetical one, and if the member asks me the question later on, I will answer it.

These characteristics of the writings in the newspapers as well as of those who were responsible for the writings, namely, the reprehensible writings and the unscrupulous and dummy character of those who published those writings—these were questions of fact which were before the Council when debate took place immediately after the Regulation was promulgated; and on these facts there was hardly any opposition, any challenge from any quarter of the House. On the facts referred to, the Government took a judgment and that was also approved of by the House. It is no doubt open to this House now to say that judgment and the verdict of the House was wrong, but I would only say that it would be extraordinary unless there were extraordinary reasons for it.

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MR. A. THANU PILLAI (*Trivandrum*) : Will the member substantiate his statement that there was no opposition ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes.

Two years after the event if you proceed to differ on a question of fact found by the House, the remedy for which was also approved by the House, it would be rather extraordinary although it is perfectly within the powers of the House.

Now, Sir, Mr. Thanu Pillai asks me whether I can cite some of the portions of the debate which would show that there was no opposition to the questions of fact. I wish I could read the whole of the previous debate to show that there was not a word of challenge as to the facts, the reprehensible characteristics of the writings etc. But it would tire the House to read the whole debate now and I shall hope that some member would point out if he can that here, in this portion of the debate or there in that portion, there is a statement which would suggest opposition on the facts. Mr. Nilakanta Pillai was then responsible for the motion as he is for the resolution to-day and there is something in the debates to show positively that not only did he not challenge but he even expressly conceded. That is at page 568 of the Council Debates Vol. IX. His point then was not that these characteristics did not exist but that there were only 2 or 3 papers guilty of it. He never denied the existence of these characteristics. I shall read the portion. This took place when Mr. Nilakanta Pillai was replying to the debate after he had heard everything that had been said on the Government side.

> "MR. T. J. MATTHEW (*Changancherry* cum *Peermade*): May I know how many papers should, according to the member go wrong before action could be taken under a Regulation such as this ?
>
> MR. K. P. NILAKANTA PILLAI (*Chiray'nkil*) : Sir, I am also a man who is in touch with public opinion as much as anybody else. Therefore, although the Government members were not able to give the figures, I can give them. I know that not more than 2 or 3 papers were playing this game."

The point that Mr. Nilakanta Pillai wanted to bring home was that the enactment could not be supported simply because of the articles in 2 or 3 papers alone. He suggested that a considerable number should err. But Mr. Nilakanta Pillai himself said that no hard and fast rule could be laid down in regard to this.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : May I interrupt the member for a moment? Was it not these two papers which the Law Member referred to that were proscribed under the ordinary law of the country ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I can't say. However that is a different matter.

Today some of the members are questioning the actual existence of these reprehensible characteristics. I am only substantiating my ment that even Mr. K. P. Nilakanta Pillai who is responsible for the

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resolution today very fairly conceded the existence of these characteristics two years ago. But now, two years after the event, they are stating that these characteristics never existed.

MR. A. THANU PILLAI (*Trivandrum*): May I know whether the Law Member is going to justify the enactment by the statement made by Mr. K. P. Nilakanta Pillai that 2 or 3 newspapers erred?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Not by the mere statement; but by the actual existence of the facts, which even Mr. Nilakanta Pillai admitted. According to me many papers erred; but according to Mr. Nilakanta Pillai, only 2 or 3 erred; but he added that no hard and fast rule can be laid down as to the number that should err. I shall read again from the debates. The following is the question to Mr. Nilakanta Pillai.

"MR. T. J. MATTHEW (*Changanacherry* cum *Peermade*): That is not my question. My question was, how many papers, in his opinion, must go wrong before action could be taken by a Regulation like this".

MR. A. THANU PILLAI (*Trivandrum*): Does that reference mean that all these characteristics existed?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. That is why I requested the members to refer to the previous debate the whole of which could not be read now. I shall read Mr. K. P. Nilakanta Pillai's reply to the question put to him.

"MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): It is not possible to lay down a hard and fast rule in such matters. There must be a considerable number of papers to justify this sort of action on the part of the Government."

Mr. Nilakanta Pillai thus expressly admitted the existence of the misdoings of certain papers, the peculiar characteristics I referred to.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): What is the interpretation of the words "justify this sort of action on the part of Government"?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Mr. Nilakanta Pillai means of course that whenever a considerable number of newspapers err, an enactment like this could be justified.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I meant that there was a certain section of the Press which slavishly supported the Government.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Everybody can read and see what is meant. I hope Mr. Nilakanta Pillai will in reply read portions of the debate and convince the House what he meant. For the present, I shall only read once more the portions and leave the House to form its own conclusion as to what was meant.

"MR. T. J. MATTHEW (*Changanacherry* cum *Peermade*): That is not my question. My question was, how many papers, in his opinion, must go wrong before action could be taken by a Regulation like this?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): It is not possible to lay down a hard and fast rule in such matters. There must be a considerable number of papers to justify this sort of action on the part of the Government."

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MR. A. THANU PILLAI (*Trivandrum*) : Does 'going wrong' mean that these characteristics existed ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes, of course. What else could it mean ? If the member would read the previous debate, he could see whether Mr. Nilakanta Pillai at any time denied the actual existence of these characteristics. He differed only as to number of the erring papers. Mr. Subba Aiyar and Mr. Matthew pointedly told the House that the Law Member spoke of the existence of these characteristics and was ready with the necessary newspaper cutting and that nobody challenged the Law Member or wanted the cuttings to be read. The attention of the members was specifically drawn to this and yet, even after that, Mr. Nilakanta Pillai did not question—

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): That was because there was nothing to be questioned.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes. It *could not* be questioned then. It was so near the event and every body remembered the facts.

Sir, all that I want to say now is that two years ago I had all the articles with me in the House and Mr. Matthew and Mr. Subba Aiyar drew the pointed attention of the House that there are newspaper cuttings to support the position of Government, and that if any members had any doubts as to the articles they could as well have challenged the Law Member and yet nobody challenged me then and Mr. Nilakanta Pillai even conceded to some extent. I do not want to-day to hold up any particular paper by name and say that that paper has been guilty. But as some dispute is raised today I should like to refer to one paper which became the subject of a judicial decision. That decision which is a High Court judgment is reported in the Travancore Law Journal and was about the paper *Jenmabhumi*. No dispute can arise as to opinion expressed by the High Court with regard to this paper and no harm can be done to the paper by my holding it forth as having erred. This is what the High Court says about some of the articles in the paper,

> "I now come to Exhibits C-1 to C-4. Exhibit C-1 is an article appearing in the same issue of the paper as Exhibit E and is entitled "തിരുവിതാംകൂറിൽ ഒഴുകാൻ പോകുന്ന ചോരപ്പുഴ" (the stream of blood that is going to flow in Travancore). This refers to an article on class rivalry that appeared in the Newspaper called the Kerala Dasan, and in commenting on it the writer who subscribes himself as "വഞ്ചി സഞ്ചാരി" speaks of the Roman Catholic priests as being guilty of promiscuous immorality at the time of the confession. Exhibit C-2 is the leading article in the Jenmabhumi of 3-10-1100 entitled "മനുഷ്യക്കുട്ടി ജനം" It laments that pettiness, meanness, rowdyism and violence are rampant in the country owing to the actions of a clsss of people whose occupation is counterfeiting of currency notes, drinking toddy and murdering others and procuring virgins for the priests, and winds up by asking Jesus Christ whether these lambs form his flock. Exhibit C-3 is an article in the issue of the *Jenmabhumi* of 3-2-1101 entitled മാപ്പിളമാരുടെ ക്രിമികടി.

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It refers to the attacks of Mr. Kunjitomman in the Legislative Council on Dr. Kunjan Pillai, the Director of Agriculture and his Department."

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Was it not a legitimate criticism?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Mr. Kunjitomman, I hope, will answer. I am now only reading the Judge's observations.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Can he create any impression on this side of the House?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I believe so.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Did Mr. Kunjitomman support the Regulation on the last occasion?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Certainly he did and I hope he will do so today. I will now read the continuation of the portion from the judgment.

"The object of the Christians is said to be to dislodge the only Nayar who is the head of a department of the State. The Christians are likened to worms and are said to be devoid of all sense of shame and decency and to be supremely selfish. If you trust them it is said they will kill you with Banks and chitties. If you incur their displeasure they will send you to Jail with their counterfeit currency notes. Exhibit C-4 is the leading article in the issue of the petitioner's paper of 29-3-1101 and is entitled ഹിന്ദുക്കളും ചെമ്പിക്കുസ്ലീങ്ങളും. It is a very long article extending over 5½ columns. It is a rallying cry to the Hindus to join together and to fight the Christian forces which are trying to make Travancore a Christian country. I do not propose to say much about these articles. They speak for themselves. The tone of these articles particularly of Exhibits C—1 to C – 3 is highly objectionable, offensive and indecent and I would add that such articles are unfit to find a place in any decent newspaper. These articles overwhelmingly strengthen the inference gatherable from Exhibit E as to the intention of the petitioner; and that is to promote feelings of enmity and hatred between the Christians and the Hindus."

MR. MATTHEW MURIKKAN (*Vaikam*): Was not the writer of that article punished?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, assuredly. I do not want to read in full the article for which he was actually convicted. The whole of it is extracted *in extenso* in the judgment.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Was there an instance in which Government was not successful in prosecuting a paper for sedition?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): As I said some of those papers were conducted by men of low status, men who would consider that the inside of a jail is as good as the outside of it.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Was it an instance at which prosecution was launched as per the provisions of the Newspapers Regulation?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, it is so obvious that it does not require explanation.

I am not going to say all that I said last time. Some of the people who conducted the paper were obscure men, sometimes even mere dummies. I will read what the learned judges said about the nature of such men as well as about such men's writings and their consequences. I read once again the "Jenmabumi" case judgment.

> "Lastly I come to the sentence passed on the petitioner and what is closely connected with it, *viz.*, the apology tendered by the petitioner. It was argued that the sentence of one year's rigorous imprisonment and a fine of Rs. 100 was unduly severe. The question of the amount and the character of the punishment which it is proper to award in any particular case is one of no small difficulty. It was said that the newspaper itself was an obscure one with a very limited circulation and that the petitioner himself was an obscure person. All the same the mischief wrought by such indecent and unhealthy publications may be quite out of proportion to the status and circulation of the newspaper and to the title of its Editor and Publisher to fame as a sober journalist. It is almost a truism that influences for evil spread more rapidly than influence for good. It is well-known that in every country the bulk of the ill-educated and the half educated people relish such appeals to passion and vile abuse of rival classes. The petitioner, as seen from the other articles exhibited in the case, has for some time past, been carrying on a persistent campaign of vilification against the Christians holding up even their religion and its ministers to public ridicule. Such writings cannot fail to embitter the feelings of the two communities against each other. It is true no communal riots have taken place and no heads broken. But the mischief worked by writings such as the one under reference must not be measured by the number of communal riots or the number of heads broken in such riots. The influence of such writings is bound to be insiduous and cannot be expected to appear on the surface all at once. But it is mistake to say that they are harmless simply because they do not immediately provoke communal riots. That no riots have as yet taken place speaks well for the good sense of the educated section in both communities, but it will be no idle prophesy to say that if such inflammatory writings are not nipped in the bud they may lead on to rioting and bloodshed."

Such was the state of affairs existing about two years ago. Nobody could deny it and nobody did deny it then. I daresay even today Mr. K. P. Nilakanta Pillai and men of his way of thinking will not deny if they will look back a little.

MR. A. THANU PILLAI (*Trivandrum*): May I know whether that paper continued publication after that case?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not believe that after the High Court decision, that paper continued publication.

Since Mr. Thanu Pillai has put this question I may as well say at once that the prosecution of the paper was begun in Vrischikam 1101 or thereabouts. But even while the prosecution was going on other papers were committing the same offence. They knew full well that here is an editor who is being publicly prosecuted and who is undergoing trial and who is in danger of conviction. The other papers knowing full well about the position of this editor was inclined to play the same game and never minded a bit.

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MR. A. THANU PILLAI (*Trivandrum*) : Was there any other prosecution similar to the one referred to by the member ?

MR KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes, there were. But that it is not my point now.

MR. A. THANU PILLAI (*Trivandrum*): May I know how many such prosecutions were there ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : If the member will kindly refer to the answers to interpellations he will get the answer. That will be found in the Council debate of last time. I think the same volume as that contains the debate on the Newspapers Regulation.

While this paper was being prosecuted, as I said, other papers were 'playing the same game.' to use Mr. Nilakanta Pillai's expression. What was the effect on those papers while this man was on his trial and in danger of being convicted ? There was absolutely no effect on other papers. Under the circumstances what was the Government to do ? There must be some means, as I said last time, to strike at the paper itself. If the people in charge of the papers were responsible, and respectable men, a mere conviction may do and everything will go on smoothly. But several men of low status and of unscrupulous character undertake this business. They are sometimes even mere dummies. So the Government were forced to devise a means to strike at the paper itself, and it was for this purpose that the Regulation was enacted. Mr. K. P. Nilakanta Pillai said that no new offence has been created by this Regulation. He is substantially correct though not literally. It is not because Government wanted to create new offences or to curtail the liberty of the press that they acted. Substantially, only offences under the Penal Code were being sought to be prevented. At the same time they wanted to meet the peculiar situation, namely that a prosecution of one paper is not having any effect upon other papers and could not have any in the nature of the peculiar circumstances. Therefore they wanted to devise a means by which they can strike at the paper itself the weapon with which the offence is committed. It must be known to every one here that a weapon used in committing an offence is very often ordered to be confiscated and destroyed every day in criminal courts. You have only to extend that principle and imagine that the Regulation provides but for destroying the weapon, the newspaper, in the present case.

MR. MATTHEW MURIKKAN (*Vaikam*) : Is there not any provision in the Penal Code for confiscating the Newspaper ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Not like this. It may be that a particular copy of a particular issue of a newspaper produced in court may be ordered to be destroyed. But the newspaper which is an entity by itself cannot be struck if you see that, unmindful of an editor or conductor of a paper being prosecuted, that paper or other papers can go on defiantly and without reforming themselves. The only method by which the Government can stop it is to take away the paper itself, without which the offences can not be committed.

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MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Is there not a similar provision in other enactments also to take away the offence-making instruments?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. I think so. It was during the pendency of the Jenmabumi case that the Regulation was enacted. The Government launched a prosecution and in spite of the prosecution there was no reformatory effect and therefore this Regulation had to be enacted, so that the weapon with which the offence is committed might be struck.

MR. A. THANU PILLAI (*Trivandrum*): You say that during the pendency of this case other papers also indulged in like manner. Was any other paper prosecuted?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not think that any other paper was prosecuted for writings published after that. The reason was that the Government felt that there was no need to prosecute them. What Government wanted to do was to purify the press. They did not want to be vindictive. They did not want to put a man in prison. What is the use of sending a man to the prison if there were other papers ready to indulge in the same manner and if, as I said, the man himself considers that the inside of the prison is as good as the outside of it.

MR. ITTOOP ITTEECHAN (*Kunnatnad*): ഈ പത്ര റഗുലേഷൻ വ്യർ ത്ഥപ്പെടുത്തിയതിനുശേഷം, ഇപ്പോഴത്തെ പത്രങ്ങളുടെ നില മെന്തെങ്കി ലുമധികരമായിട്ടു തോന്നുന്നുണ്ടോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. Government feel that there is considerable improvement in the tone of the newspapers. I do not say that the tone has entirely changed.

So then Sir, this House, sitting in judgment immediately after the event and considering questions of fact—

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I rise to a point of explanation. The Law Member was interpreting me for the last half an hour and he is going on attributing some meaning which I did not put. Any man who dispassionately reads the passage can understand what I have said on the previous occasion. He is going on saying that Mr. Nilakanta Pillai was saying that, this and so on. I should not be quoted like this. I must be given an opportunity to explain.

PRESIDENT: In regard to the interpretation of the debates you can construe your own statement in the way in which you understand it and wish it to be understood when your time for reply comes.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do hope that Mr. Nilakanta Pillai will explain in his reply. As he is raising the question even now I may be more accurate and say that the only member who questioned then was Mr. G. Paramesvaran Pillai and he questioned only about sedition and not about the other

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features of the Press. Now Sir, as I said, this House passed a verdict and that so soon after the Regulation was passed and the matter was fully discussed. Now, two years after that, is this House going to give a different verdict?

Sir, if this Regulation really affects the liberty of the papers it was the mover's duty to prove in what way it does affect. If no new offence has been created how could it affect?

If by this Regulation Government wanted newly to prohibit any particular class of writing in the newspapers, I can understand anybody saying that his liberty was taken away in that respect. But Mr. K. P. Nilakanta Pillai has said that no new offence has been created. That means that no class of writings has been newly prohibited. How then can he say that any liberty has been taken away?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): If a paper on satisfactory grounds attacks an officer of the Government, instead of asking the officer to vindicate himself, cannot the Government take action and condemn the paper?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is a hypothetical question. I will only say that if such action was wrongly taken, the High Court will set it right.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Can not Government take action at any time?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If the paper commits an offence within the meaning of the Newspapers Regulation, it is open to the Government to take action against the paper. How can it be said that the liberty of the Press is affected? The Editor of a newspaper is at liberty to write and publish anything except—

MR. A. THANU PILLAI (*Trivandrum*): Is it a question of physical liberty?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Every kind of liberty, physical, moral and legal liberty. Only if he wants to write articles of an offending nature such as articles exciting communal hatred or containing vilification of respectable people only then can I understand that liberty of that sort has been affected. If otherwise, how can it be said that the liberty is affected. Does he want to publish seditious articles or articles exciting communal hatred?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Who is to decide that?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Government in the first instance and the High Court in the last resort.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know whether a man has not to deposit a certain amount of money even before starting the paper with the best of motives?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): As Mr. Asan is leading me to that question I shall deal with it at once. Mr. Raman Pillai also referred to it, I think. *Apriori* speaking, what is the objection in calling upon a newspaper to register itself and pay a small fee? If a man wants to conduct a paper, say, a bi-weekly or weekly, I am sure he will have to invest a capital of something like, say five thousand rupees at least, for a small press the initial running expenses etc.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): What is the object of demanding that fee?

MR. KAYALAM PARAMESWARAN PILLAI (*Additional Head Sirkar Vakil*): I will come to that presently. If a daily paper is to be started, it may cost some ten thousand rupees at least to start with. What is the objection in asking a person to invest some twenty-five rupees more by way of license fee. It cannot operate as a substantial burden or restriction in any way.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): Is it like a deposit? Is it not a thing which could be forfeited at any time?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Not at any time. Only if an offence is committed. Otherwise it will be returned in full to the last pie.

MR. R. RAMAN PILLAI (*Kottayam*): അതിനപേക്ഷകൊടുക്കണമോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The question of allowing some interest on the deposit is under the consideration of Government. I think that was stated in answer to an interpellation last time. But in any event the deposit is comparatively a trifle.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): Was any action taken under the Regulation to forfeit the deposit in any instances?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No. Not yet. As I said previously, Government never will be vindictive. As far as possible they will be generous and will never take action if they can help it. Government also observe that the tone of papers is steadily improving after the enactment.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): What is the criterion for fixing the amount of license fees?

MR. KAYALAM PARAMESVARAN PILLAI: (*Additional Head Sirkar Vakil*): Uniformly, the license fee has been fixed at rupees twenty-five at the start for all new newspapers.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know whether after the Regulation all the papers had not to start anew?

MR. KAYALAM PARAMESARAN PILLAI (*Additional Head Sirkar Vakil*): Old papers continued to work and having regard to the nature

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and antecedents of each paper Government had to fix certain differential amounts as license fee. But I am not called upon to answer that. Generally, in regard to all new newspapers, no distinction has been made. A uniform fee of Rs. 25 alone was fixed. I may point out also that it is the right of every citizen to demand that a license shall be granted to him. Government cannot say that they are not prepared to grant a license. They have no discretion. They must grant. Mr. K. P. Nilakanta Pillai was suggesting, I think, that it is left to the discretion of the Government to grant a license or not. The law here is that whoever applies for license shall have it granted to him. Mr. K. P. Nilakanta Pillai was quoting the Mysore Regulation. Probably he does not know the consequences of a violation of the provisions of that Regulation. I may tell him that it is banishment from the country and confiscation of the press. Have we such a provision or anything like it here? If any member wants it I shall read the Regulation. The Government there have perfect discretion in the matter to grant or not grant permission to start a paper. Here on the other hand it is within the right of every citizen to insist on getting a license.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I read the Mysore Regulation? It says:

> "The Government may prohibit the printing, editing and publishing of a news paper (a) when the editor, printer or publisher has been, or is hereafter convicted of an offence under Section 124 A or 153 A of the Indian Penal Code."

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is the member reading from the Regulation?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I am reading from the Mysore Regulation.

MR KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not think so. May I know whether the member is reading from a Bill or from the Regulation?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): From the Regulation.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I doubt if he is not reading from the Ammendment Bill which has been admitted not to have become law yet. However, please read the obligatory Section, that which says that permission *shall* be granted.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I am reading that.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Mr. K. P. Nilakanta Pillai does not point out that there is any provision in the Mysore Regulation which compels Government to grant license. I am prepared to quote from our Regulation here a provision which expressly lays down that a license shall be granted to any person who asks for it. That makes all the difference. The discretion vested in the Government according to the Mysore Regulation to grant permission or not is not allowed here and no person can complain here that he cannot get a license to start a paper. And again in

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[Mr. Kayalam Paramesvaran Pillai.]

Mysore, a permission granted to start a newspaper may be withdrawn *at any time* by the Government and there is no provision as Mr. Nilakanta Pillai asserts that it can be withdrawn only after a conviction for sedition etc. At any rate I do not see it. I hope Mr. Nilakanta Pillai will show it.

MR. MATTHEW MURIKKAN (*Vaikam*) : Is not the right of defending oneself before the Government denied here?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : That is another point.

I am now saying that it is open to every one to ask for a license and get it, which is not the case in Mysore.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Is it not a fact that according to the Mysore Regulation only after the editor or publisher is convicted that license is refused?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : No, not so far as I can see. Where is it so stated? I do not see it in the Regulation I have here And where does it say that Government are bound to grant permission when it is applied for to start a paper? And permission once granted may be withdrawn at any time too. That is what the Mysore Regulation says.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : That is a curious piece of legal information. When the Act does not definitely say so, the presumption is to be taken according to common sense.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : That is a matter of interpretation. I hope the member will make it out in his reply by reading from a Regulation and not a Bill I am afraid that the member is now reading from the Bill and not the Regulation. However, our Regulation expressly says that the applicant shall be entitled to have a license. There is no provision like that in the Mysore Regulation. Mr. Nilakanta Pillai may read out even now, if there is any such in the Mysore Regulation. The Mysore Regulation which I have got here says, that

> "No newspaper or other printed work, whether periodical or other, containing public news or comments upon public news, shall, without the written permission of the Government of His Highness the Maha Raja of Mysore, be edited, printed or published within the territories of Mysore".

But there is no provision which compels permission being granted as there is in our Section 3 sub-section 2 which says that the "applicant shall be entitled to have a license granted to him".

Learned authorities were read on the other side. I should also like to read one in support of the position that licensing is not unjust in itself. I shall read from Dicey, a well known authority on constitutional laws. Speaking of the general principle he says in his work on *Law of the constitution*, at page 244.

> "No sensible person will argue that to demand a deposit from the owner of a newspaper or to impose other limitations upon the right of publishing periodicals, is of necessity inexpedient or unjust."

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This of course has no reference to the English law which has developed, as it has done, for certain historical reasons. He is speaking of the principle in itself.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Is he comparing England to Travancore ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No. No.

There the law developed for certain peculiar reasons of history. I am only pointing out that even Dicey has expressed the opinion that *a priori* speaking, there is nothing unjust in demanding a deposit.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Does the Law Member know that. Dicey has also said that it is opposed to the spirit of any regulation to require from the publisher of any newspaper a preliminary deposit of a certain sum of money for the sake of either insuring that newspapers should be published only by solvent persons or that if a newspaper should contain libels damages may be recovered from the proprietor.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It may be—that, if correct, has reference I believe to the English Law. What applies to England does not apply to Travancore or anywhere else. There, owing to certain historical reasons, the law has turned in a particular way. Apart from that, *a priori* speaking, there is nothing inexpedient or unjust in demanding a deposit. Dicey himself says that, and the force of it is not taken away by the reference made by Mr. Asan.

Then Sir, is there anything in our Regulation to show that licensing affects the liberty of the Press ?

MR. THANU PILLAI (*Trivandrum*): What does he mean by liberty of the Press ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Freedom to write articles conistently with the rights of other people also and without any interference from anybody except under well recognised law.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is it consistent with the fact that if the editor does not possess Rs. 25 he has not that right ? That affects his freedom.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Does it really and substantially affect ? A nominal sum of Rs. 25 to register a newspaper! In Mr. Asan's sense, freedom is nowhere available. Have you not to make a declaration *before* publishing a newspaper under the Press Regulation of 1079. Does it not affect freedom in some sense. Even in England the Law says I think that a person who wants to publish a paper has to make a declaration, or a registration rather, except when the publisher is a registered company. Does it affect the liberty of the Press in a common sense view ?

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): Is there the deposit system in England ?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No. I am speaking of declaration or registration. What I say is that even when the law demands a declaration or registration as a condition of publishing a newspaper as under our Press Regulation and as under the law in British India and elsewhere, there is some restriction of liberty. But substantially there is none. Twenty-five rupees is not such a large sum as to really stop a respectable paper starting.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): Is there also a provision for deposit in England? That was my question.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No. Not now. There was a time when some 400 pounds or so had to be given as deposit.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Was there not a protest in Parliament?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Probably there was, I can't say. But where is 400 pounds and where is Rs. 25? Have you not to spend some 5 or 10 thousand rupees for starting a decent paper? As for the protest here, only 14 out of 35 non-officials voted against the Regulation last time. Even they did not complain of the amount so far as I can remember. That the right of starting newspapers has not really been affected may be clearly seen from the fact that after the passing of the Newspapers Regulation licenses for some 10 or 12 new newspapers as distinct from periodicals were issued in these two years 1102 and 1103.

Does it show any hampering of the right to start papers? All these papers are now working in a smooth condition. If the liberty of the Press has been cut down, I wonder if so many new licenses would have been applied for and every one of them granted. One more point Sir, and I am done. Mr. K. P. Nilakanta Pillai and other members said that the liberty of Press is affected because the Executive Government has usurped the powers of the Judiciary, meaning of course that it is the Government that take action first. That sounds a plausible argument no doubt. But, if we look deeply into the matter, it will be seen that this argument is altogether unsustainable. For one thing, the final adjudication rests with the High Court and not the Government. The High Court can set aside the Government order and the final voice is with the High Court. The House cannot certainly overlook that. Then again simply because the Government take action first and cancel the license pending adjudication by the High Court, does it mean that the executive has usurped the judiciary or that real liberty of the Press has been affected. This can be easily appreciated if I instance a case that occurs every day. Take the case of an undertrial prisoner. He may be locked up and his liberty taken away for months together under law and in the end he may be acquitted, say by the High Court. Does it mean that thereby the liberty of the citizen has been affected by that law and that that law is a mischievous law.

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MR. A. THANU PILLAI (*Trivandrum*): There the order of the Magistrate is necessary.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, not at the outset. Even the police can arrest a man and put him in lockup if he is the suspected person. Of course they must obtain an order of the Magistrate afterwards. But that is immaterial. He will rot in the Jail for months together before he is acquitted by the High Court. Does he mean to say that the law which allows it is designed to take away the liberty of the citizen or is one to be denounced as such?

MR. A. THANU PILLAI (*Trivandrum*): May I know whether it is not in pursuance of a judicial order that he is in the lockup?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It cannot be said to be a judicial order absolutely. It is an interlocutory or summary order though passed by a Judge or Magistrate judicially. But the point is that a man declared innocent by the High Court has been in Jail for months together. Are we to say from this that the liberty of the citizen has been infringed and that the law which permited it has been passed for that purpose? Similarly I ask the House to consider the order of Government cancelling a newspaper license as but a summary one to be made final by the High Court or to be set aside by them. Government are responsible for the peace and order; should they not have some summary powers even as the Police has got in respect of citizens. The paper is not finally injured thereby. If a paper commits an offence, or is suspected to have committed an offence and if the Government act in pursuance of the Regulation it is open to him to go to the High Court and say, " Government did wrong, my paper is even taken away " and then if the High Court says that the paper was in the right and the Government in the wrong he can go on again with his paper. How then is the liberty of the Press infringed? Does the House want to say that the provision in the ordinary Penal Laws that a man can be arrested and put in the lockup pending trial should also be taken away?

MR. R. RAMAN PILLAI (*Kottayam*): ജാമ്യംകെട്ടിവക്കുന്ന തുകക്കു വല്ലപലിശയും കൊടുക്കുന്നുണ്ടോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is not a question of *Jamiam*. The paper is only asked to pay a deposit or rather a fee of Rs. 25. As for the interest, I answered that question already.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Before ascertaining whether he is the real accused, will it not affect the liberty of a man if he is imprisoned?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The freedom of an individual citizen may be temporarily affected. But that is necessary in the larger interests of the Society and the country.

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MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Should not steps be taken to minimise such hardships ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes, of course, to the extent possible. But it will not be denied that in the larger interests of the community some such action may have to be taken and sometimes some real hardships will arise as in the case of a man acquitted by the High Court after having been in the lockup, say for a year. We all sympathise with it. But we cannot help it. When a society has to be governed by a Government which has got responsibility for the peace and order of the society some such provision is necessary.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): What about the shifting of the burden of proof and the temporary suspension of the paper?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : We need not concern ourselves with all those details now, in this resolution which is for repeal. This Regulation provides for a final decision by the High Court. It is merely a matter of a paper being suspended for a few days. It does not mean a paper's liberty being taken away, simply because the paper is temporarily suspended. If the matter is looked into dispassionately it will be seen that there is absolutely no reason to complain that the liberty of the press is really affected or there has been an infringement of the primary right of ordinary citizens the ജന്മിക്കാര്യം referred to. The only thing that the Government wanted to secure was the rights of other people, who are also entitled to protection, and to purify the Press.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*) : If the demand for deposit is to know the whereabouts of the man, will not a provision for declaration suffice ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): This is but one point. There may be other reasons also, say to see or test whether a man is respectable or not—

MR. A. THANU PILLAI (*Trivandrum*): May I know whether there was any other prosecution almost immediately after the Jenmabhumi case which came up for the consideration of the High Court ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, I think.

MR. A. THANU PILLAI (*Trivandrum*): May I know how it ended?

MR KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : A frank apology was made and the Government withdrew the case I believe. But in the case of the Jenmabhumi the apology was itself an insult and the High Court has dealt with it.

MR. A. THANU PILLAI (*Trivandrum*) : May I know whether there were any cases of sedition?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I believe so, I cannot give the names of the papers now.

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MR. A. THANU PILLAI (*Trivandrum*) : In what year please?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Two cases were launched in 1097 I believe, I am only answering from my memory. If the member would kindly refer to the previous debates and interpellations he will get a complete answer for his questions.

MR. A. THANU PILLAI (*Trivandrum*) : Was there any instance of a paper exciting class hatred?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That would also be seen from the answers to the interpellations.

There is only one more point, Sir, which I want to touch. Mr. Nilakanta Pillai or some other member said that this Regulation is a dead letter and that it was not as a matter of fact put into operation. Yes, it is so and no license has yet been cancelled. If so, why do they want to have it repealed? Let the public watch and see the working of the Regulation. Let them satisfy themselves as to whether it really affects the liberty of the Press or is so worked as to repress papers. As I said, the Government are generous. They are not vindictive. They do not want to take action under this Regulation or stop any paper if they can help it. The Regulation has been in existence for two years. Government feel that there has been a considerable improvement in the general tone of journalism in Travancore. No doubt, there may be some delinquents still, but no action has yet been taken against them and no paper has been suspended yet and, in fact, nothing has happened during the two years that the Regulation has been in existence to show that it is of such a nature or is worked, rightly or wrongly, in such a way as to affect the liberty of the Press. Why should this House then review its judgment recorded two years ago?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Sir I rise to support the resolution moved by Mr. K. P. Nilakanta Pillai. The learned Law Member has been dwelling at length on the discussion on a cut motion, that took place two years ago in this House. He thinks that two years is two short a time to reconsider the verdict of this House and his position is that as the cut motion was introduced in this House almost immediately after the promulgation of the Newspapers Regulation, this House was in a better position to judge the necessity or otherwise of that Regulation. What I have to say is that, looking at it two years after, quite dispassionately we will be better judges to say whether that Regulation is necessary or not. The learned Law Member seems to mislead us to the position that it will be an extraordinary step to reconsider the verdict of this House two years after. If the learned Law Member has gone through the proceedings of the Legislative Councils of British India or the proceedings of the Assembly, he could see that the same motion which was taken up a short time before is taken up now and even with regard to the Simon Enquiry he could have seen that resolutions or motions introduced six months back

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[Mr. A. S. Damodaran Asan.]

are again introduced. That clearly shows that this House is not estopped from reconsidering the matter.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Did any body suggest that the House is estopped ?

MR. A. S. DAMOMARAN ASAN (*Mavelikara* cum *Kartikapalli*) : What I have to say is that it is not an extraordinary step viewing it from the proceedings of the other Councils. There has been an attempt on the part of the Law Member to show that reference has been made in the speeches of the members on this side as regards scandalous writings in a certain section of the Press. Is this likely to create prejudice against all newspapers? Of course we agree that if a particular paper commits offence against the provisions of any Regulation, that should be strictly dealt with, in the ordinary course, and we have got sufficient provision for that. But that is no excuse for proceeding against other papers which are started with the best motives which are intended to help the administration of the State, which are intended to ventilate the grievances of the people, which are intended to point out the maladministration of the State and which are intended to point out the defects, in the conduct of particular officers. I do not think that such papers should suffer simply because certain other papers have transgressed the limits of the ordinary law. So, that argument will not be of any avail to convince the members on this side of the House.

First of all, when this Council was started His Highness in his message to the Council said :

> " In taking such action, I was mainly guided by two circumstances, namely that for more years than you and I can remember, this country has been receiving, in continuously increasing measure, facilities for education and that its loyalty to its Sovereign is its cherished tradition. I look up with confidence to you and to the officers of my Government to work in harmony trying your best to understand each other, and in a spirit of confidence and sympathy making the welfare of my beloved subjects common concern."

So, the object of the administration as put down by the Founder of the institution six years ago is "the welfare of my beloved subjects your common concern ", and he says that we were " receiving education in continuously increasing measure ". It is well known that we have spent crores of rupees on education after this statement. And if Government maintain that the present system of education is given on the best lines, they will not under any circumstances say that we are in a worse position than before. So, Government will not deny that we are sufficiently educated just to know what is good and what is bad for us. The only way of giving expression to the opinion of the people is either through this Council or through the Press. Even we the members of this House who are representatives of the people have to seek the help of the Press to ascertain the views of the people. We are not going to swallow as a whole statements contained in particular Newspapers. We will go through all of them just to ascertain what will be the probable view of the public. We would be able to see what will be

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beneficial to us and if for that facility is to be given, we should have a free Press. I will just quote what Sir William Hunter said about the Vernacular Press:

"The Indian Press was a Parliament always in session to which every Native of India was eligible who had anything worthy of being heard to say."

And if that Press is deprived of its primary liberty and if it is presumed that a paper is started with malicious intentions, and when anybody wants to start a paper, he should give a security just as a man should give security for good behaviour under Section 90 of the Criminal Procedure Code.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Or a High Court Vakil taking out a license for practising as a lawyer!

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): It is not like that. The money which you pay will not be refunded when you do not want license for practising. Here it is like a fine and it will be forfeited.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The license fee of the newspapers will be forfeited only if an offence is committed.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): First of all you presume that an offence is likely to be committed by a newspaper editor. That presumption is baseless. Another argument put forward by the Law Member is that there is no provision for punishing weapon as in the Criminal Procedure Code. I just quote a proverb "ഏറിഞ്ഞവനെ കടിക്കാതെ ഏറിനെ കടിക്കാറില്ലല്ലോ?" Why should we punish the weapon when the offender is there. You can punish the offender. I do not think that there were many instances in which after the prosecution of the editors of the papers under the ordinary law was launched, there were people coming forward to sacrifice all their interests just to enable the Government to take action against them.

The next point is what, is the difficulty as regards conducting prosecutions against these papers? The Law Member admits that there are no provisions in the Regulation, which curtail the liberty of the Press or of the people or which create any new offence. Then what is the necessity for this Regulation. Has not the Government sufficient confidence in the courts of the State? Can they not get justice from courts, in prosecutions taken against the papers? Are not the Government possessed of sufficient funds? Have they not got sufficient number of legal advisers? What is the difficulty? I do not think that there is sufficient ground to presume that newspapers are likely to be seditious.

The next thing is that the Regulation says that:

"Our Government may with or without previously warning a newspaper etc."

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[Mr. A. S. Damodaran Asan.]

Why should they not at least give a warning before forfeiting the deposit to the owner of a newspaper? Why should action be taken immediately? No facilities are provided for taking evidence as regards action taken against newspapers by the prosecutor, that is, the Government. That is to say, even as regards the reference to the High Court, no provision is made for taking evidence, it simply says the application will be *heard*.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Do not the High Court take evidence sometimes at the hearing?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Does hearing mean taking evidence?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Do they not take evidence at times?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Not always.

Another argument was that this Regulation was not used to suppress any paper and therefore it should be allowed to remain in the Statute Book. My argument is that that is exactly the reason why it should be taken away. We have been allowing it to remain in the Statute book for two years.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I know whether there is a provision in the Penal Code for punishing waging war against the king?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Yes.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Has anybody been convicted of that offence yet in Travancore?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): No, because nobody has waged war against the king.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Does he contend therefore that that provision should be taken away simply because it has not been used till now and there has been no occasion for using it till now?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): We are not concerned with that; when any necessity arises, we will argue that point.

When the Government say that it was not necessary to use the provision of this Regulation for the last two years and when they admit that the tone of our papers is improving and that the editors have begun to realise responsibility, why should there be such a Regulation? Government must gracefully repeal the Regulation. The objection raised by the Law Member now is that some dummy editors or some such people—that was the word used—were put in as editors and that the papers were conducted by others. Just to ensure that the papers

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will be properly conducted why not prescribe the qualifications for an editor so that if you have an educated man, a man of character as editor—

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Or a man of property worth say ten thousand rupees?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): That is the worst thing. Government measures respectability by the amount of money a man has. That is not the proper way. If the Government are only particular that a paper should be properly conducted, and that a man should not misuse his powers as editor why should they not allow an educated man to conduct the paper. As the Court of Directors said in 1823:

> "A free Press is a fit associate and necessary appendage of a representative constitution".

We should first of all have a free Press. It will be very difficult for a Government to know the views of the public in order to mould their policy if they do not have a free Press. With these words I support the Resolution.

MR. ITTOOP ITTEECHAN (*Kunnatnad*): മി: കെ. പി. നീലകണ്ഠപ്പിള്ള യുടെ പ്രമേയത്തെ ഞാനും ഹൃദയപൂർവ്വമായി പിൻതാങ്ങിക്കൊള്ളുന്നു. ആദ്യമായി എനിക്കു പറയാനുള്ളതു് ഈ റെഗുലേഷനെ സംബന്ധിച്ചു ഓരോരുത്തരും അഭിപ്രായം ചോദിക്കുകയാണെങ്കിൽ എന്റെ സ്വന്തമായനിലയിൽ അവരവരുടെ പ്രീതിയ്ക്കായിക്കൊണ്ടു് ഈ റെഗുലേഷൻകൊണ്ടു് ഒരു തരക്കേടുമില്ലാഎന്നുപറയാം. എന്റെ താലൂക്കിൽനിന്നും എന്നെതിരിഞ്ഞെടുത്തസ്ഥിതിക്കും അവിടെ പലതരം ജാതിക്കാരായ ആളുകൾ നിവസിക്കുന്നതാകകൊണ്ടും എല്ലാവക്കും നന്മയായ ഒരഭിപ്രായമല്ലാതെ ഇവിടെ പറയാൻ നിവൃത്തിയില്ല. ഈ കൌൺസിലിൽ വന്നപ്പോൾ ആദ്യമായി എന്നെക്കൊണ്ടു് സത്യം ചെയ്യിച്ചു സ്വാതന്ത്ര്യമില്ലാത്ത നിലയിൽ വച്ചിരിക്കുന്ന സ്ഥിതിക്കു അതിൽ അടങ്ങിയിരിക്കുന്ന പലസംഗതികളേയും നിസ്സാരമാക്കിട്ടു പറയാനും നിവൃത്തിയില്ല. എന്നുള്ള സംഗതി ഞാൻ ആദ്യമായിപ്രസ്താവിച്ചു കൊള്ളുന്നു.

ഇങ്ങിനെ ഒരു റഗുലേഷന്റെ ആവശ്യത്തേയും അതിനെ ഇവിടെ ഉണ്ടാക്കാനുണ്ടായ ആവശ്യത്തേയും പറഞ്ഞിട്ടില്ല പറയാനുണ്ടു്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I request the member to say first of all what is his personal opinion about the necessity or otherwise for the Regulation and then what according to him the opinion of his constituency is?

MR. ITTOOP ITTEECHAN (*Kunnatnad*): എനിക്കു് ഇംഗ്ലീഷ് അറിഞ്ഞുകൂടാ. മലയാളത്തിൽ പറഞ്ഞു മനസിലാക്കിത്തന്നാൽ ഉത്തരം പറയാം.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head SirkarVakil*): സ്വന്തനിലയിലുള്ള അഭിപ്രായത്തെ പ്രത്യേകിച്ചും, നിയോജകമണ്ഡലത്തി

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[Mr. Kayalam Paramesvaran Pillai.]

ന്റെ ആവശ്യപ്രകാരമുള്ള അഭിപ്രായം പ്രത്യേകിച്ചും പറയാൻ മെംബറിനു ഭയവുണ്ടാകുമോ?

MR. ITTOOP ITTEECHAN (*Kunnatnad*): സ്വന്തനിലയിലുള്ള അഭിപ്രായം വെളിയിൽ വച്ചു ചോദിച്ചാൽ ഞാൻ എന്തെങ്കിലും പറയും. നിയമസഭ മെമ്പർ ആയിരിക്കുന്ന സ്ഥിതിക്കു ന്യായമായിട്ടും സത്യമായിട്ടും മനസ്സാക്ഷിക്കനുസരിച്ചുമല്ലാതെ വേറെ വിധത്തിൽ പറയാൻ നിവർത്തിയില്ല. (*Laughter.*)

"ചെരുപ്പത്തിൽ കക്കുമ്പോൾ ചെറുവിരൽ കൊത്തണം" എന്നൊരു പഴഞ്ചൊല്ലുണ്ട്. അതുപോലെ ആദ്യമായി ചില പത്രക്കാർ ഗവണ്മെൻറിനെകുറേശെ ആക്ഷേപിക്കാൻ തുടങ്ങി. അപ്പോൾ ഗവണ്മെൻറു മൌനം ദീക്ഷിച്ചുകളഞ്ഞു. അപ്രകാരം കുറേശെ കുറേശെവന്ന കുറെക്കൂടുതലായി. അതു വലിയസ്ഥാനങ്ങളിലെ വിരലുകളാണെന്നുകണ്ടു വീണ്ടും മൌനം ദീക്ഷിച്ചു. ഉടനെ കഴുത്തിൽ കയറി പിടിച്ചപ്പോഴാണ് അഞ്ചാറഡ്രസ്സേഷനായ ബോമ്പു എടുത്തിട്ടതു. അതു വീണതോടുകൂടി വാസ്തവത്തിൽ അനേകം പേർക്കും നാശം വന്നിട്ടുണ്ടു. ഇതു ഒരിക്കലും നീതീകരിക്കത്തക്കതല്ല. ഇതിൽ കൂടുതലായി അന്യായമായിട്ടും അക്രമമായിട്ടും പത്രങ്ങൾ പ്രവർത്തിക്കുന്നു എങ്കിൽ ഇൻഡ്യൻ പീനൽകോഡിലെ വകുപ്പിൻപ്രകാരം ശിക്ഷിക്കാൻ ന്യായമുണ്ടു. അങ്ങിനെ ആ പീനൽകോഡിനു വാട്ടകോട്ടം ഉണ്ടെങ്കിൽ ഒരു മുട്ട ഇട്ടു നിരുത്താമായിരുന്നു. അതില്ലാത്ത സ്ഥിതിയ്ക്കു പീനൽ കോഡിനെ മുൻനിറ്റി ഈ റഗ്ലേഷനെ അസ്ഥിരപ്പെടുത്തണമെന്നുള്ള അഭിപ്രായത്തോടുകൂടി മിസ്റ്റർ കെ. പി. നീലകണ്ഠപിള്ളയുടെ റസല്യൂഷനെ പിൻതാങ്ങിക്കൊള്ളുന്നു.

MR. D. FRANCIS (*Nominated*): Sir, I rise to oppose the Resolution. It is highly necessary to have the Newspapers Regulation in Travancore. It will prevent editors of newspapers, printers and authors of books from publishing anything unreasonably against the public, the Government and their officers. There will be no safety and freedom to the people of Travancore if the Newspapers Regulation is repealed. Therefore I strongly oppose the Resolution.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know whether there was no safety before the Newspapers Regulation was introduced?

MR. D. FRANCIS (*Nominated*): No. Therefore I strongly oppose the Resolution brought forward by Mr. K. P. Nilakanta Pillai.

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): Sir, it is a very important subject that we are handling now. A great responsibility has fallen on my shoulders. It worries me very much as to

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whether I should be one of the supporters of the Resolution or one of the opposers of the Resolution or whether I should remain neutral. (*Laughter*). There are two aspects of the question. First of all, I will ask my Friend Mr. K. P. Nilakanta Pillai whether there is a public opinion expressed by the socalled Newspapers of Travancore. If there is a public opinion or a unity of voice so far as the Newspapers are concerned in Travancore, I can assure Mr. Nilakanta Pillai that at the time of the prosecution of "*Jenmabhumi*" there would have been a conference of Newspapers. Now, let us see the present state of affairs in regard to the various Newspapers in the State.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Does he think that there would be such a public opinion even in his constituency?

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): Yes.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Was there not a rival against him?

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): Yes, there was. I am thankful to Mr. Damodaran Asan for reminding me of that. Every one knows that the various representatives of the people who have assembled here met at Mavelikara immediately after the election. At that time there was a leading article in one of the leading and respectable papers of this country *Manorama* by an editor by name Mr. E. V. Krishna Pillai, to the effect that a set of useless members are being elected. Is it public opinion Sir? One *Pratidinam*.—

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is Mr. Krishna Pillai's opinion public opinion?

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): That is another affair.

MR. G. P. NILAKANTA PILLAI (*Karunagapalli*): Was it in a leading article?

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): That does not matter. It may be in a sub-leader. It is found in a respectable paper, *viz.*, *Manorama*.

MR. G. P. NILAKANTA PILLAI (*Karunagapalli*): Was it not in a short story intended for healthy amusement?

MR. MATTHEW MURIKKAN (*Vaikam*): Why not our friend take it as a healthy criticism?

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): There is no necessity to mislead the public.

MR. G. P. NILAKANTA PILLAI (*Karunagapalli*): Could not comments be made within reasonable limits?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Why should the member take it as solemn truth? Is it necessary that all that appears in newspapers should be taken at its face value?

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): That is what I am coming to. There is no necessity to mislead the public.

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MR. MATTHEW MURIKKAN (*Vaikam*) : Does he think that it is public opinion simply because a particular paper said that all the members are useless ?

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*) : That is why I say that only so much respect should be attached to these Papers. As regards unity; was there any representation from any of the representatives elected by the so-called newspapers to move this proposition for repealing the Regulation V of 1101 in an organised form ? They could have very well formed themselves into an organisation and made a request to Mr. K. P. Nilakanta Pillai or the non-official members of the House as a whole to move the Council and redress their grievances. If that had been done I myself would have had no objection.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Has any such representative of the newspapers said that the newspapers are generally in favour of the Regulation ?

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*) : Now Mr. D. C. Joseph comes and opposes the Resolution ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Is he the representative of the whole Press in Travancore ?

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*) : Not all, he also forms one among the many who represent journalism. I am not opposing the resolution brought forward by Mr. K. P. Nilakanta Pillai, but, I simply place before the House before we deal with this most important question, the point, *viz.*, that we will have to consider the various aspects of the question. First of all the question is whether there is not the necessity for the public to criticise the illegal acts, if at all, done by any of the Government servants and other persons.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Does the member know that it is one of the many duties of the non-official members of this House to create public opinion in Travancore ?

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*) : Public opinion may be created in any way. I say there is no public opinion, simply because there is a fight regarding appointments. One set of persons say that X should be preferred and another set say that Y should be preferred. If there is a united opinion one could follow that.

MR. MATTHEW MURIKKAN (*Vaikam*) : Is appointment the only criterion by which the member judges public opinion ?

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*) : Not on that alone. I may even vote for that on principle. It may be an individual opinion. I am entitled to vote on behalf of the constituency that has sent me. But what I say is that the constituency to which I belong is Padmanabhapuram, the old Rajadhani of the State. It is my duty to preserve the prestige and the interest of Her Highness the Maha Rani Regent.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Has he ascertained the opinion of his constituency ?

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MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*) : I have also ascertained in the same way as the member has ascertained.

So, the only point to be considered is whether there must be the liberty to criticise the illegal act done by public servants or private individuals, and whether we must have anything in writing permitting that. Is there any hindrance now? That is one point. The second thing is presumption as in the Abkari Regulation—

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*) : Is the present Regulation an obstruction to do so?

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*) : There are certain provisions and they will have to be rectified.

Under the Abkari Regulation when a person is charged, the presumption is that he is guilty and it is for the accused to prove that he is not. What I say is that this is not the only instance in which such a thing occurs. Under the Abkari Regulation also there is a like provision. If an Abkari Officer wants to defame an individual, there is no difficulty for him. He could very easily bring forward a case against the individual and one or two witnesses to prove it and the case will go against the individual. Similarly also in the present case, I do not think there is much harm by having these provisions in the Newspapers Regulation. At any rate, so far as I am concerned, I am not in a position to say now what steps should be followed. We will have to reconsider it before the matter comes to vote. First of all we will have to ascertain whether there is union among all the editors. Let them meet together and tell the non-official members of the Council what they require and intimate their grievances; then immediately after, we would consider and form an opinion in the matter. I simply make my suggestion. It may be taken as an amendment to the proposition brought forward by Mr. Nilakanta Pillai or it may be taken as an amendment to Mr. D. C. Joseph's opposition.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Before he finishes may I put one question? Is the member aware of the fact that the journalists of Travancore required permission to wait on the Dewan of the State in deputation for suggesting the repeal of the Regulation?

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*) : I am not aware.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*) : Did they request any of the Legislative Council Members to lead them?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Yes.

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*) : That also I am not aware of.

I find so many chairs empty. It is a very unpleasant thing to see some of the members rising when one fellow member is speaking. It is rather difficult to explain it. Because one individual leads, we must not blindly follow. We must consider all the various aspects of the question. We can assure all the newspapers in Travancore that we would seriously consider the matter during the next session or within the nearest period.

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MR. A. THANU PILLAI (*Trivandrum*): Does the member think that the grievances are the grievances of the editors of Newspapers alone?

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): As matters stand, there are only two editors who have expressed themselves in the matter; so that I am in a dilemma as to whether I am to vote for or oppose the resolution or as to whether I am to sit quiet. So, I explain my position and request Mr. Nilakanta Pillai to consider these matters. I have also to draw attention to another fact. Respectable men will have to be made as editors. Even as regards the Council proceedings appearing in the papers, we see that instead of R. Kesava Pillai it is P. S. Mahomed that is mentioned.

MR. R. RAMAN PILLAI (*Kottayam*): യോഗ്യന്മാരായ പത്രാധിപന്മാരുടെ ലിസ്റ്റ് പറയാമോ?

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): I will be in a position to give.

With these words I resume my seat.

The Council adjourned for lunch at 2-1 P. M. and re-assembled at 3 P. M.

MR. G. P. NILAKANTA PILLAI (*Karunagapalli*): Sir, I have very great pleasure in supporting the resolution moved by Mr. K. P. Nilakanta Pillai. I had also sent in a resolution to the same effect. I never thought in the beginning that Mr. K. P. Nilakanta Pillai or the other members on this side of the House would have to labour hard to impress upon this House the utmost and urgent necessity for repealing this most obnoxious piece of legislation that disfigures our Statute Book today. I am surprised to see that a few members on this side of the House oppose the resolution. But I am happy to note that they have not advanced any argument in support of their view. Of course the burden of proving a change in the existing law was upon them and they have not done that. Liberty of speech and expression is one of the primary essentials of civilisation and the idea of citizenship is inconceivable without it. I am sure that this fundamental principle could not have been beyond the comprehension of those that are responsible for this Regulation.

Then, Sir, a natural question may be asked, was there any necessity for this Regulation? What was the necessity that induced Government for this extraordinary move on their part? We, Travancoreans, Sir, are reputed for our loyalty. It is something like a birth-gift to us. Loyalty to the throne is on a par with devotion to God; and of course *we* were also being extended the paternal care and protection that we deserve. Decency in expression and generosity of treatment of our fellowmen are ours. And charity is our household word. Therefore, Sir, the promulgators of this legislation ought to have justified their position when they introduced this piece of legislation. It was in utter defiance of the authority of this Council that the Regulation has been passed. If the people wanted such a legislation it could have been freely introduced into this House and could have been passed through this House. We do not find any explanation for the Government not

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doing this but that the Government feared that they would not get a majority of this Council on their side. From the provisions of this Regulation itself it could be seen that some of the prominent features therein are as absurd and retrograde as the Regulation itself. The Government have taken upon themselves the privilege for ascertaining the rates of the license fee. In Section 3, the provision as to the licence fee, there is no principle enunciated nor any standard fixed by the Government. The Government have appropriated to themselves the arbitrary right of fixing the license fee.

The Law Member was saying that since the introduction of this Regulation only Rs. 25 was realised, from all newspapers that were started, by way of license fee.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): For all *new* newspapers.

MR. G. P. NILAKANTA PILLAI (*Karunagapalli*): Yes, for all new newspapers started after the Regulation. But the Government retained with them the right to levy upto Rs. 500 as license fee.

Section 5 of the Regulation deals with the offences punishable under the Regulation. Sub-clause (*i*), (*a*), (*b*) and (*c*) are offences punishable under the Penal Code. So, all that the Government have done by this provision is to appropriate to themselves the functions of the Law Courts.

One of the arguments advanced by the Law Member and others who opposed the resolution was that at the time of the passing of this Regulation there were scurrilous articles in certain of the newspapers which forced the Government to pass such a Regulation so as to restrict the other papers also from following suit. It was also made out in the learned Law Member's arguments that the offender could not be brought to book under the law existing at the time this Regulation was passed. This, Sir, we cannot understand. It was under the provisions of the Penal Code that that the said newspapers were hauled up and their editors convicted. Where was the necessity for this piece of legislation when there was sufficient provision for the purpose in the Penal Code. It is stated in sub-clause (2) that the license could be cancelled for the paper publishing defamatory statements. That is an offence punishable under Section 503 of the Penal Code. It is only extending to individuals a kind of protection. They need not go to Court. They need not stand the test of cross-examination. The accused is not given the chance to defend himself. Of course, there are several extenuating circumstances under which the accused can take shelter in such defamatory prosecutions, and the newspaper-editor or proprietor is denied this right. Sub-clause (3) says that a newspaper can be held responsible if it habitually disseminates false information. He is not given—the editor or the proprietor—the right to substantiate the correctness of the statements in his paper. The Executive thus appropriates to itself the functions of the Law Courts. If the Executive has any grudge against a paper which has made a fair criticism on the actions of the Government, it can be easily

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[Mr. G. P. Nilakanta Pillai.]

hauled up and brought to book. The Law Member was saying that an appeal lies to the High Court. Sir, the provision in the Regulation is that if the offender, the so-called offender, was aggrieved, he can file a petition before Government, and the Government, if it does not revoke the order shall send it on to the High Court and the High Court can hear the application; it can also take into consideration a copy of such newspaper published after the commencement of this Regulation. Any matter published in a newspaper will constitute an offence if the Government so want it. There is no trial, there is no evidence taken, no examination of witnesses or parties, no cross-examination, no fair trial given to the accused. And the Law Member was comparing this to the case of an offender who is suspected of having committed an offence and taken to custody. It is not so. The analogy is absurd. Here the offender has been brought to book. He has been convicted. A revision alone lies. Absolutely no evidence is taken. All that the offender is allowed is to let in any copy of such newspaper published after the commencement of this Regulation. The last Section, Section 15, gives no right to the offender to question the act of the Government in a Court of Law. It says—

"No order passed or action taken under the Regulation shall be called in question in any Court otherwise than in accordance with the provisions of this Regulation.

This gives the culminating touch to this dark piece of legislation.

I submit, Sir, that it was due to the faith and confidence reposed in us that this Council was constituted giving us wider privileges and right to legislate and to question the expenditure of the revenues of the State. We are therefore very sorry that this right has been taken away from us in this matter and the privileges of this Council are thus being restrained and restricted. It may be, Sir, that the resolution may be carried or not carried. And we have also not much confidence, Sir, that even if it is carried it would be carried into effect by the Government. It will only receive the fate of the other resolutions passed by this House. But, whatever it be, Sir, we take this opportunity to record our opinions in this matter, that the public of Travancore protest against this piece of legislation which they regard as an encroachment upon their rights and privileges. Therefore, I strongly support this resolution.

MR. MATTHEW MURIKKAN (*Vaikam*): Sir, I also rise to support the resolution introduced by Mr. K. P. Nilakanta Pillai.

In discussing the question Mr. K. P. Nilakanta Pillai proved that the time has come to see that this piece of legislation is removed from the Statute Book of Travancore. My friend, the learned Law Member, tried to show that time has not come for this piece of legislation to be removed from the Statute Book. At the very outset he attempted to raise a point of estoppel to the members of this House. He seemed to suggest that the question was fully discussed in the previous Council some two years back, and if I remember right he was hinting that there

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was something like estoppel for the members of this House to take up the question and to discuss it. Even in the case of the mover of the resolution, Mr. K. P. Nilakanta Pillai, who was a member of the previous Council, I do not think there is any estoppel. Therefore, the question of estoppel does not in any way help the arguments of the learned Law Member. The Law Member was careful enough to collect certain articles published in some of the papers; and he has been very careful to read them to this House just to provoke the sympathy of this House and to show that it is highly necessary to provide some stringent measures to deal with the newspaper editors. I see that the article which he read in this House was of a very bad type. I must strongly condemn the writer of the article and I strongly denounce the mentality of the man and I congratulate the Government for having brought him to book; and that is what a strong Government ought to do. But the one question which I ask the Law Member is whether it is in pursuance of the provisions of the Penal Code or the provisions of the Newspapers Regulation that the offenders in these particular instances were dealt with. Therefore, the Law Member cannot say that the Newspapers Regulation should still be in the Statute Book to punish the culprits effectively. I am not for tolerating such offenders. They should not be tolerated in any civilised State.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Could such a paper be allowed to exist?

MR. MATTHEW MURIKKAN (*Vaikam*): As for that matter every newspaper does not write such uniformly stupid articles; and even this particular newspaper does not *always* write such articles. Once in a way some newspaper may write some such article and in those cases the offender must certainly be severely dealt with. To meet such contingencies there are provisions in the Penal Code itself.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Will the member kindly refer to the particular provision in the Penal Code which strikes at the paper itself besides or along with the writer or the editor?

MR. MATTHEW MURIKKAN (*Vaikam*): I do not quite see the force of the argument advanced by the learned Law Member. If the Government want to stop the paper they can confiscate the whole press and put a stop to it. The Law Member was saying that no time could be lost and that every thing had to be done in a moment. I am sure if the Government Officers are vigilant about the matter and if the offender understands that the Government are vigilant in the matter and are going to apply immediately the provisions of the Penal Code to him, certainly there would be the desired effect. So, even on that ground the Newspapers Regulation is not necessary.

Then again, my friend was referring to Section 5 of the Newspapers Regulation. I shall read what that Section says:

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[Mr. Matthew Murikkan.]

"5. Whenever it appears to our Government that any Newspaper in respect of which a license has been granted under this Regulation—

(i) contains any words, signs, or visible representations which are likely or may have a tendency, directly or indirectly, whether by inference, suggestion, allusion, metaphor, implication or otherwise—

(*a*) to excite disaffection against or bring into hatred or contempt Us or Our Government or His Majesty the King Emperor of India or the Government established by law in British India, or

(*b*) to bring into hatred or contempt any member of the Ruling Family of Travancore, or

(*c*) to promote feelings of enmity or hatred between the several classes of people in Our territory, or

(ii) habitually publishes matter punishable under Section 503 of the Travancore Penal Code, or

(iii) habitually disseminates false information,

Our Government may with or without previous warning cancel, by notice in writing to the printer as well as to the publisher of such Newspaper indicating or describing such words, signs, visible representations or matter, the license granted in respect of such Newspaper and upon such cancellation the declarations made under Sections 7 and 8 of the Travancore Press Regulation of 1079 in respect of such Newspaper shall be deemed to have been annulled and the license fee shall be forfeited to Our Government.

Explanation : For the purposes of clause (*a*) of sub-section (i) of this Section explanations I, II and III under Section 117 of the Travancore Penal Code shall be deemed to be applicable."

Sir, the offence contemplated by Section 503 of the Penal Code has got certain mitigating circumstances. How is it possible for a man accused of an offence to vindicate his position without a trial, without getting an opportunity to let in evidence ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : There is trial in the High Court.

MR. MATTHEW MURIKKAN (*Vaikam*) : The Law Member himself said that it was a trial without opportunity to give evidence. The accused will not be able to give in any evidenee to show that he is innocent.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Did I say it? Is there anything in the Newspapers Regulation to show that evidence is shut out?

MR. MATTHEW MURIKKAN (*Vaikam*) : What is there to show that evidence could be let in? If I remember right, Sir, there is a Madras decision which says that, unless there is express provision to let in evidence, evidence could not be let in.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : 'Hearing' means hearing *evidence* and *arguments*, I suppose.

MR. MATTHEW MURIKKAN (*Vaikam*) : Where is the opportunity to let in evidence ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Evidence could be let in at the hearing to prove the innocence of the paper.

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MR. MATTHEW MURIKKAN (*Vaikam*): What about the responsibility of the editor?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): To publish anything and everything that some person sends.

MR. MATTHEW MURIKKAN (*Vaikam*): One man sends, the editor publishes the news apparently as truth; and one fine morning the editor is caught on the ground that he has been disseminating false information. Where is the opportunity for him to let in evidence and prove his innocence.

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): Will the member see the word '*habitual*' there?

MR. MATTHEW MURIKKAN (*Vaikam*): Yes, I can see the force of the word 'habitual' there.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is the member asking on behalf of the Newspapers of Travancore facilites for publishing false information?

MR. MATTHEW MURIKKAN (*Vaikam*): I do not say that. I must strongly condemn that Newspaper that habitually disseminates false information. We should never encourage such a Newspaper or allow it to continue like that.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know from the member whether there has been, since the enactment of this Regulation, any prosecution under the Newspapers Regulation for dissemination of false information?

MR. MATTHEW MURIKKAN (*Vaikam*); I am not aware of any such instance. I shall thank the Law Member if he would kindly enlighten me on the point.

Then, Sir, the Law Member was saying that, while the members on this side of the House speak about the freedom and liberty of the Press they should take care that the liberty of the citizen is not curtailed. Sir, I cannot understand the force of that argument. And he supported his argument by reference to an article. If I remember right the article was against a Roman Catholic priest. To me, Sir, it does not matter whether it was against a Roman Catholic priest or against anybody else. No honest citizen can be insulted like that, whether he is a Roman Catholic priest or not. Therefore, I cannot understand the force of the Law Member's suggestion that it was against a Roman Catholic priest. I must strongly condemn the article whomsoever it may be against. And I am glad the writer of the article has been prosecuted and punished. It is very consoling to us all to note that he has been given the treatment that he deserved. Sir, my complaint is mainly against the policy adopted in the enactment of this Regulation. The policy that underlies this Regulation is one of universal suspicion. The existing newspapers and all newspapers that are to come into existence are all uniformly suspected. Any man who comes forward to start a paper is suspected. It is a

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very funny sort of presumption. I do not know whether any recognised rule of evidence allows such a presumption. The effect of this is this. No honest man will come forward to start a paper. There will be no honest endeavour to express public opinion, and as several of my friends on this side of the House have pointed out, there will be no corrective for the administration. There may be other correctives also. But the soundest corrective of an administrative system is, in all countries, the Press. Moreover such a policy is out of place in Travancore, because, as some of my friends have already pointed out, we are loyal by instinct, tradition and association; we are intensely loyal. The very word 'sedition' excites our greatest indignation. It has absolutely no place in Travancore. And even in places where there is sedition the Penal Code is proved to be sufficient.

MR. KAYALAM PARAMESWARAN PILLAI (*Additional Head Sirkar Vakil*): Is the Penal Code necessary for loyal subjects?

MR. MATTHEW MURIKKAN (*Vaikam*): Is the Law Member of opinion that no law is necessary in a place where the people are loyal and honest? I do not view it in that way. The policy underlying this Regulation is not in keeping with the traditions, character and history of the people of Travancore.

Then, with regard to the object of Section 3 of the Regulation, there also the Law Member seems to take a financial view of the whole question. He said that ordinarily only Rs. 25 is levied as license-fee and that it is not a matter for great anxiety. Discussing the question in that light it appeared he had been considering a question of taxation. Sir, it is not a question of taxation. It is a question of an attempt to suppress public opinion by forcing the people to get license from Government and to pay for such license.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): Has not my friend to pay a fee for getting his *sanad* to practise as a vakil and is it not a license to practise?

MR. MATTHEW MURIKKAN (*Vaikam*): I have to pay for my *sanad*. Whatever that be, I am not going to take a commercial view of journalism. I am not prepared to consider it as a bargain at all. Besides I do not quite see the object of this payment. Apparently, the object seems to be a preventive. For that matter even the object of the provisions of the Penal Code is to serve as a preventive. But, Sir, it is the sanction of punishment that should operate on the mind of the offender more than such preventives. And I do not quite see how far this payment of Rs. 25 is going to serve as a greater sanction on the editor than the punishment likely to be awarded to him under the Penal Code. The object, therefore, of this provision does not seem to be achieved by this. What I therefore submit is that the Newspapers Regulation is not necessary; it is superfluous.

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PRESIDENT: Your time is up.

MR. MATTHEW MURIKKAN (*Vaikam*): As my time is up I resume my seat. I strongly support the resolution moved by my friend Mr. K. P. Nilakanta Pillai.

MR. A. THANU PILLAI (*Trivandrum*): I support the resolution. Sir, the Law Member would have it that this Regulation does not in any way affect the liberty of the Press. So long as other people's rights are maintained he would say the newspapers enjoy even under the Newspapers Regulation sufficient liberty. He certainly ignores the fundamentals of a free Press. When a Press is under the control of the Executive it can exist only when the executive allows it to exist. Under such conditions the Press cannot be said to be free. No doubt everybody, every Press should respect the rights of others; and to enforce the respect due to the rights of every one we have the ordinary law. The Penal Code is sufficient for that purpose. Now, no newspaper can exist in this country unless a licence is taken, in other words, unless the Executive allows it to exist. No doubt, if a paper infringes the laws of the country it may be dealt with by Courts of Law and punished. But, if the Press is made to depend for its existence on the will and pleasure of the Executive, I do not see how such a Press can be said to be free. The Law Member would have it, Sir, that the conditions in the country at the time this law was promulgated were such that it was found necessary. In support of his position he merely made an assertion that a certain section of the newspapers in Travancore indulged in reprehensible kind of writing, that the papers went so far that the only thing for the Government to do was to enact this law. Sir, we see from the history of this legislation and in the circumstances attending its promulgation that this position is thoroughly untenable. There is this Council established by law to deal with all kinds of legislations necessary in the interests of the State.

No doubt for certain political reasons certain subjects are beyond the province of this Council. I ask is this one?

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): May I know from the member whether there are not provisions in the Regulation relating to certain matters which are beyond the purview of this Council?

MR. A. THANU PILLAI (*Trivandrum*): I do not think there are any provisions in *this* Regulation that would necessitate this Council being prevented from considering it. In the ordinary course of things, the representatives of the people along with the representatives of the Government, ought to have been given an opportunity of discussing the situation, if there was any, as the Law Member says, and then the necessary law could have been passed. What was it that prevented such a course being taken, I ask. The only answer is that the Executive Government did not think it feasible to have the law passed through this Council. A question may be asked, how is it that, at a later time,

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when the matter came up for discussion in this Council, the Council voted against the repeal of the Regulation. I say Sir, there is a lot of difference between the consideration that is given to a measure before it is passed into law and consideration that is given to a law after it is passed.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): Was this not passed before the budget discussion of 1926?

MR. A. THANU PILLAI (*Trivandrum*): Yes, it was passed before that. What I say is that there is a lot of difference between the consideration of a measure which is yet to ripen into law and a measure which has ripened into law.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Is there not a section in the Newspapers Regulation relating to His Majesty the King Emperor and the Ruling family of Travancore?

MR. MATTHEW MURIKKAN (*Vaikam*): Is it not a provision that can be entirely ignored?

MR. A. THANU PILLAI (*Trivandrum*): Certainly, I do not see any necessity for such a provision in the Regulation standing in the way of the Regulation being considered by this House.

MR. MATTHEW MURIKKAN (*Vaikam*): Was it not done in the case of the Civil Procedure Code when it was passed?

MR. A. THANU PILLAI (*Trivandrum*): Yes. Sir, as I already stated, the fact was that the Government thought it not feasible to have the law passed through this House.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Does Mr. Thanu Pillai realise that it is open to any citizen of Travancore to go and apply for a license and get it?

MR. A. THANU PILLAI (*Trivandrum*): The possibility of applying and getting a license does not in the least affect the force of my argument.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Katikapalli*): Does the member think that it is restricted to Travancoreans alone?

MR. A. THANU PILLAI (*Trivandrum*): I do not think it is restricted. Anybody can apply and get it. But how does it affect the position? What I say is that it should not be made obligatory for any man who wants to start a newspaper to apply for a license, wait for the convenience of Government and their officers, and then start the newspaper. In my opinion why should there be a license at all. It may be possible for any man to get it. It may be possible for any man to do several things. I ask is that the reason?

The learned Law Member referred to two prosecutions and read out a judgment of one which ended in a conviction. I could see that there were one or two prosecutions and even in respect of them I have to

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state one very significant fact, namely, that out of the two prosecutions launched at that time, the Government did not think it necessary to proceed with one. One ended in conviction and the other was not proceeded with, and I ask why? Because, the situation was not grave enough, and the Government did not think it necessary to bring the offender to book.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I remind Mr. Thanu Pillai what I stated, that that man gave an apology and expressed his repentance and therefore his case was not proceeded with?

MR. A. THANU PILLAI (*Trivandrum*): Yes, that is what I say, and with the apology the Government were satisfied. The situation was not so grave and the offence so serious that Government could not have lightly accepted the apology. If I remember correct, the prosecution was protracted for a very long time, and eventually the apology was accepted and the accused was let off. That was what happened. In the course of that prosecution, if the Government had been vigilant enough to have the case conducted promptly—

MR. MATTHEW MURIKKAN (*Vaikam*): Does my friend think about laws' delays?

MR. THANU PILLAI (*Trivandrum*): I am not thinking of laws' delays. What I say is that if the situation was found to be grave there would not have been any delay in the trial of that case. As for the Law Member's assertion that some of the papers indulged in all manner of reprehensible writings and this House conceded the existence of that state of affairs at the last discussion, I see that I am unable to find anything in the report supporting his statement. All those who voted against the Resolution said that such a state of affairs did not exist. So, Sir, my point is that there was absolutely no occasion for the promulgation of a law like this.

MR. KAYALM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Can the member point out a single line in the debate to show that they asserted that such a state of affairs did not exist?

MR. A. THANU PILLAI (*Trivandrum*): I should think it was, for the Law Member to show, when he made the assertion that those who opposed the resolution admitted that such a condition existed.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Will the member admit that it is easy to point out a positive statement of denial than to go through the whole proceedings and point out that such a statement was not made?

MR. A. THANU PILLAI (*Trivandrum*): I suppose, when a man states a fact, the speaker refers to something positive. Sir, in regard to the provisions of this Law, whatever may be the views of the learned Law Member, I do not think that any one who is acquainted with the ordinary principles of law can support this Regulation. Generally, we begin with a charge and then proceed to trial, conviction and punishment. Here the order is clearly reversed. The Government begins with punishment

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and then, if objection is taken, something is done which is not a trial in the eye of law and the matter may be referred to the High Court. They may hear the petitioner and make a recommendation to Government. I hope the Law Member would not assert that there is provision in the Regulation for enabling the High Court to take evidence. I would only ask him, is there any provision that evidence should be taken? Is that the way to deal with a man who is charged with having done something wrong?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Has the member read the debate on the last occasion?

MR. A. THANU PILLAI (*Trivandrum*): I am referring to the debate *here* as I listened to it to-day.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If the member refers to that debate he will see what the Law Member said even then.

MR. A. THANU PILLAI (*Trivandrum*): Anyhow the order in which things are to be done is very peculiar and does not obtain anywhere else in respect of any law.

In regard to the possibility of a man being subsequently able to start a paper, I have only to submit that where once a license is cancelled the paper is stopped, and practically everything is done for the discontinuance of the paper. Sir, I have only one word more to say. In this country journalism has been doing a lot of good and no man who occasionally at least reads the papers can deny the amount of good they have been doing to this country. A very large proportion of our people are educated and they want to get information regarding public affairs. They want to know how this country and the world are progressing and this could be known only through the medium of Newspapers. They have been the agency which has been more useful as an educator than all the educational institutions in this State. Now by this law their liberty has been curtailed and whatever the Law Member may say, there has been a great set-back in journalism. Has any body been able to justify by facts this intervention in the field of journalism?

PRESIDENT: Your time is up.

MR. A. THANU PILLAI (*Trivandrum*): So, I strongly support the resolution of my friend Mr. Nilakanta Pillai.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): Sir, it is not without anxious thought that I rise to oppose the resolution before the House. The advantages of a free Press are so well known and so generally appreciated—

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Louder, please.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): The advantages of a free Press are so well known and so well appreciated in all civilised countries that a special plea for safeguarding

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the freedom of the press is unnecessary. The resolution before the House is to repeal the Press Regulation, Regulation V of 1101, which was passed on the 22nd of May 1926. The first opportunity that the Legislative Council had of discussing the question was availed of and a discussion was started on the 13th of August 1926. Within a very short period after the passing of the measure the question was discussed at considerable length in the House. On going through the debates this morning, I find there is considerable enthusiasm, considerable learning, and considerable warmth brought to play in the course of that discussion. Everything possible that could be urged either in support of the proposition or against it seems to have been urged and the Council by a majority of votes rejected the motion.

So, my first submission at present is that we are not now called upon to write on a clean slate. Personally, Sir, if this piece of legislation dealing with the press is introduced in this Council, I might plead for the judgment of the judiciary being substituted for the executive. I might plead for a fair opportunity being afforded and a fair machinery being created by the statute in order that the accused may make his position clear. But as I submitted a little while ago we are not writing upon a clean slate. The only question is whether any case has been made out for repealing the Regulation. Sir, its necessity, its propriety, and its legality have been confirmed by the Council on an earlier occasion not by a casual but by a very big majority; in a Council of 44 members we find 14 alone supporting the motion of Mr. Nilakanta Pillai, 30 voting against it.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know how many members who voted against the motion are present in this Council?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): It does not matter whether you are a member of the earlier Council or the present Council. But it appears to me that there should be a continuity of policy not merely of executive government but of the legislative bodies as well. Unless a very strong case is made out for a revision of the policy, I believe it is not expedient for us to make a radical change. Sons believe fathers fools; their wiser sons will think them so. That perhaps will be the compliment that may be paid to us by our successors in time to come. So, some convention has to be followed, otherwise it seems to me that there will be no guarantee of any permanency, in the policy guiding the deliberations of the Legislative Council.

As I submitted already, the policy, the propriety and legality are absolutely irrelevant to the discussion before the Council. The Council has looked into the propriety, the legality and the wisdom of it once before. Now, Sir, that does not mean either that Council or its successors are for ever debarred from re-opening the question and overriding the earlier decision. The privilege which the civil courts in the land exercise of reviewing their earlier decisions and coming to an

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entirely different conclusion is a privilege that is open to this House as well. A very strong case must have to be made out. It must be made out that the facilities which the Press had till then have been weakened. I am not talking of privileges which they had prior to the passing of the Regulation—which the Press had on that date when the token motion was thrown out. If these have since been encroached upon by the executive, nibbling a bit here or a bit there, then the rights of the press are illusory. That is the first point. The second point that must be made out before we repeal the Regulation must be that the highhandedness of the Government demands that in the interests of justice and fair name of Government the whole question should be reviewed and the law repealed. Now, Sir, I was carefully listening to the Law Member that since the passing of this Regulation many applications have been made for licenses and that all those licenses had been issued as a matter of legal liability by the Government because no discretion was left to them. As far as the issue of license is concerned there is no inconvenience. Then the next question is a deposit of Rs. 25. I understand there is a uniform rate fixed for all the newspapers. A gentleman who hopes to start a press —

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): That is not a correct statement, Sir. There is no uniform rate.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): I am sorry I have to accept the Law Member's view. He is apparently better posted with the details of the decisions of the executive government than you and I are likely to be. I have got the highest regard for my friend. But when the Law Member asserts on behalf of the executive Government, I think it is common fairness to accept the statement put forward by the Law Member that as a matter of ordinary routine they are levying only twenty five rupees. Even assuming for argument's sake that there is some variation, it is not suggested that the variation is so deliberately made as to make the statutory authority oppose the starting of a journal in Travancore. There is no difficulty in the way of getting a license. A preliminary examination of the antecedents of the prospective journalists is not insisted on and the deposit is fairly reasonable. Now things have been going on smoothly since the date of the discussion. Has there been any exercise of what at first is an arbitrary authority vested in the executive under the Regulation? There has not been a single case in which the Government exercised their power and if and when Government exercise the power fairly frequently and if the public and this House are satisfied that it is not a fair exercise of the power vested in the executive that it is time for transferring all that power to some other machinery, I submit, a case for the repeal of the Regulation has not been made out. It is only under those circumstances, as I submitted at the outset, adopting the convention that decisions of the House on a former occasion are to be respected until definite difficulties have arisen as a result of the

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working out of that decision, until we are satisfied that journalism and its existence in future are imperilled by the continuance of this measure in the statute book, I am not for repealing the Regulation. But at the same time, Sir, it struck me, while I was listening to the discussion, that my friend said there is machinery for taking evidence, I am sure Government is anxious as anybody else to provide all facilities, fair facilities, for the accused party to establish his innocence. The Law Member said the High Court can hear the party and take evidence. Some friend on this side expressed an honest doubt that hearing means only hearing as we ordinarily understand it, and said that the man would be deprived of the opportunities of making out his innocence before the High Court. Therefore he said that the right vested in the High Court is a purely illusory right. If Government further think that it is a direction on which they should take some action, the objection will lose practically all its force. I feel sure that in the nature of the motion before the House it will not be possible to table any amendment, though I understand my friend Mr. Piraviperumal Pillai has tabled an amendment. It seems to me that it is not an amendment in the way in which speakers of legislative assemblies do understand it. An amendment is not a negation of the original proposition. My friend asks for the repeal of the Regulation. But Mr. Piraviperumal Pillai is not for the repeal of the Regulation but for its continuance, no doubt, subject to certain reservations. In that light it is not an amendment which could be viewed as an independent proposition. That proposition has not been moved up till now and even if it is put forward as a substantive motion, Mr. Nilakanta Pillai's motion is self-sufficient. The other amendment suggests that the Regulation may be amended. But what are the lines on which it should be amended? What are the amendments proposed by him? All these should find a place in the amendment before the House so that the House may have an opportunity of discussing it in all its phases instead of making it a general discussion on a token motion or when the Budget comes up. There is that difficulty. As matters stand at present, to me, the only logical course open, with the conviction that I have, is to oppose the motion, and I do so.

MRS. ELIZABETH KURUVILA (*Nominated*): Sir, I feel it is my duty to make a few observations on this matter. I must confess that my acquaintance with the newspapers of Travancore is not very wide. But I have read several papers. And I would like to make a few remarks at this time. The necessity for a Newspaper Regulation at this time for the kind of newspapers that exists in our State, seems to me a thing that must go unchallenged. We want a clean Press in our country. I have been very much struck with the low tone of a good many of the papers, the way in which they foster communal bitterness and the way in which they have indulged so freely in personal vilification. It has seemed to me time and again that our newspapers do not contain the kind of literature that you would like to put into the hands of our children, students in our colleges and boys and girls in our schools. Apart from all the legal points that many of the members raised in this House, it seems to me that from the standpoint of social

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[Mrs. Elizabeth Kuruvila.]

welfare, and for the upholding of social purity and the traditions of loyalty and creating clean minds and fair thinking and getting free from personal spite and personal vilification we need something to clean our Press. We have had a free press till the time of this Regulation two years ago and instead of newspapers taking a higher tone from time to time they seemed to have gone down until Government felt it necessary to put such a stop to their impure activities. As the Deputy President remarked just now while I was listening to the various arguments that were being raised by the members it seemed to me that no clear case had been made out for the repealing of this Regulation. A very strong case has been made out for amending certain clauses, but not for repealing the Regulation as it stands. There are certain infringements of the rights of the citizen in the clauses. It is not for me—not being learned in the law—to go into these. But it is after duly weighing both sides as far as I can see that I rise to oppose the resolution as it stands. I would recommend to the Government favourably consider the amendment of the clauses that have been referred to here. I know that the Newspapers Regulation alone cannot bring about a change in our newspapers. It really needs a change of mind. Newspapers can do a good deal of good—they can create balanced views, and broad thinking especially in the youths of the country. For these reasons, I oppose the resolution.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): Sir, some of my friends on this side suggested that there is no necessity at all to repeal this Regulation at present. I have to ask one question whether such a measure was passed before the enactment of this present Regulation in 1101. We know that there were instances before 1101 in which certain papers indulged in vilification and scurrilous writings. Some ten or twelve years back there was the incident in which the paper conducted by the late Ramakrishna Pillai, the *Swadesabhimani*, was confiscated and the editor deported. Even then the authorities of the State did not find it necessary to have such a severe measure passed. After that ten years and more have elapsed and with this growth of years we have far advanced in education and in enlightenment. Instead of progressing with education which we get year by year, we are bringing about checks and restraints on the ways of enlightenment. We know that in every country the press contributes a great deal to the advancement of thinking.

A newspaper has got two very important functions to discharge. One is to amuse and the other is to instruct. This function of instructing is imparted to a very high degree by newspapers and we can find from the writings in newspapers in Travancore that they also help towards the creation of sound thinking and progress. When that is the condition to which newspapers tend, there was no necessity at all to pass this severe enactment and to put this restraint on public opinion. The Law Member remarked that after the passing of this enactment there was no necessity at all to bring it into force. From this we can very well understand that this measure simply exists as a measure and it is

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not at all operative. Section (11) of the Legislative Council Regulation precludes certain enactments from being considered in this Council. This section does not say that the passing of this Regulation cannot be considered in the Legislative Council. When we had full power to consider this measure in the Council, there was no reason why this enactment should have been passed behind it. The inference that could be naturally drawn from this secret enactment is that the Government feared that if the measure was brought into the Council it would not have a smooth sailing. In advanced countries it is the newspaper that settles and unsettles the ways of the Government. If you take for example the formation of the ministry in England it is the leading articles of some of the leading newspapers there that form and dissolve the ministry. That is the stage at which newspapers have reached in England. Look at the sad state at which newspapers are existing in this country! This is due to the indifference, to the low treatment which our people advance towards these newspapers.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : And no less to the irresponsible nature of the writings.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): I do not think that is the case.

It is with a certain amount of contempt that these newspapers are looked upon by high authorities. The high officials of the State think that certain newspapers are not at all readable and that they show a certain amount of contempt towards these newspapers. They differentiate between newspaper and newspaper and think that certain newspapers require better consideration and others require a sort of low treatment. Every one of us knows that newspapers in this country do not deal with much of politics. They do not discuss political questions as in British India where they fight for constitutional advancement. Here what the newspapers agitate is for the loaves and fishes of office. People want a fair distribution of offices based on communal representation or they want to see that the claims of certain people are not superseded. It is only in this manner that newspapers in this country deal with politics. When this is the way in which certain newspapers discuss politics, there was no necessity at all for enacting this measure. If there were great constitutional questions at issue and if there were differences of opinion between the Government and the people and if Government found that they were in peril on account of the want of such a Regulation, then we could understand the necessity for passing such a Regulation. At present we do not see that there was any necessity at all for enacting this Regulation. With these words I support the resolution.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*) : Sir, speaking on the resolution before the House, I wish to submit a few words. Sir, the question is whether this Regulation is necessary or not. My friend Mr. Kunjitomman during the course of his very learned speech had been emphasising line after line that a Regulation of the sort is necessary.

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MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know from the member whether Mr. Kunjitomman has spoken today?

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Sir, I refer to the debate when we were discussing this question last. Mr. Kunjitomman spoke on that occasion. I know that Mr. Kunjitomman did not speak today. I believe I am not wrong with my ears. Mr. Kunjitomman is sufficiently loud and we know that he has not yet spoken.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I tell the member that Mr. Kunjitomman was one of the staunchest advocates of the Regulation then?

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): That is exactly what I am coming to. I do not wish to read the speeches of members because most of us know well and remember well the debate. On the question of the necessity for the Regulation, Mr. Kunjitomman has spoken at large when the Regulation was promulgated.

Then, Sir, whether this Regulation is necessary or not now has been ably advocated by Mrs. Kuruvila in her able speech. Mrs. Kuruvila stated that what we have now is not the type of newspaper that we would like to put into the hands of our children. It is indeed a deplorable state of affairs. That goes to show that the necessity for a Regulation of this kind exists even at present.

I must also admit that this Regulation is rather drastic and that there are provisions in it which have got to be amended. If I gather right from what all the members on this side of the House said, I believe, it was to the effect that amendments are necessary to the Regulation and that is exactly my point. The esteemed Deputy President of this Council said that I have put in my amendment motion very vaguely. I do admit it is vague. Coming from a lay-man like myself, it cannot be full of details. I am not a lawyer. All the learned lawyers who spoke on the subject did not speak about the nature of the amendments.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Can the member suggest how amendments to this Regulation are to be effected?

MR. S PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): I am sorry that within the short space of ten minutes allowed to me I cannot refer to all the amendments necessary. If the Law Member or any other member will bring in an amending bill I shall also help him willingly.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know from the member whether we are entitled to bring in an amending bill?

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Yes.

MR. MATTHEW MURIKKAN (*Vaikam*): May I know from the member whether his proposal for amending the Regulation is not an argument for repealing the Regulation in substance?

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MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): I want a Regulation. But it is not this Regulation. I want an amended Regulation.

If the learned members including Mr. K. P. Nilakanta Pillai —

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know from the member whether he is aware of the fact that this piece of legislation has been enacted with the Royal sanction?

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): But what is the issue my friend is raising?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know from the member whether this House is entitled to bring in an amendment to a Regulation which has been passed with the Royal Sanction?

MR. S. PIRAVIPERUMAL PILLAI (*Cammerce and Industry, South*): Why not? With the sanction of the Government we can do it.

If the members on this side of the House who were vehement in their speeches for repealing this Regulation think of this and if they bring in an amending bill I think we will be doing something useful.

With these words I oppose the resolution.

MR. TARIATU KUNJITOMMAN (*Muvattupuzha* cum *Todupuzha*): ഞാൻ ഒരം പ്രമേയത്തെ അനുക്രൂലിക്കുന്നു. രണ്ടു വർഷത്തിനു മുമ്പെ പത്ര റഗുലേഷൻ നടപ്പിൽ വന്നഉടനെ ഇതുപൊലെ ഒരു വാദം ഒരം കൌൺസിലിൽ നടക്കയുണ്ടായി. പത്രക്കാർ സാമുദായികമായ ഭിന്ന ത വർദ്ധിപ്പിച്ചു രാജ്യമാകപ്പാടെ അസ്വസ്ഥതയിൽ പതിപ്പിക്കാൻ പോ കുന്നതുകൊണ്ടു പ്രജാക്ഷേമത്തെ സർവ്വോപരി കാംക്ഷിക്കുന്ന മഹാറാണി റീജൻറ തിരുമനസ്സുകൊണ്ടു കല്പിച്ചുണ്ടാക്കിയ ആ ചട്ടം അപ്പോൾ അ ത്യാവശ്യമാണെന്നും, അതു എപ്പോൾ ആവശ്യമില്ലെന്നു കാണുന്നുവോ അപ്പോൾ അതിനെപ്പററി സങ്കടം പറഞ്ഞാൽ മതിയെന്നും ഞാൻ ബ ലമായി വാദിക്കയാണുണ്ടായതു. അന്നു ഞാൻ പറഞ്ഞ ചില ന്യാ യങ്ങളെ ഇവിടെ ഉദ്ധരിക്കാമെന്നു വിചാരിക്കുന്നു.

"രോഗം പിടിപെട്ടാൽ അരുചികരമായ ഔഷധങ്ങളും സ്വാദികുറഞ്ഞ ഭക്ഷണ സാധനങ്ങളും ഉപയോഗിക്കേണ്ടി വരുമല്ലൊ. രോഗം മാറുമ്പോൾ ഇതിൽനിന്നെല്ലാം ഒഴിവുണ്ടാകും. അതുപോലെ ഒരം പത്രങ്ങളെല്ലാം ന്യായമായ പദ്ധതിയിൽകൂടി പ്ര വൃത്തിക്കുന്നതായി ഗവർണ്മെൻറിനു ബോദ്ധ്യപ്പെട്ടുമ്പോൾ, നിയമത്തെ ഭേദപ്പെടുത്തും. എപ്പോൾ ഒരം നിയമം ആവശ്യമില്ലെന്നു തോന്നുന്നോ അപ്പോൾ മഹാറാണി റീജൻറ അതിനെ റദ്ദുചെയ്യും. അതുകൊണ്ടു നാം തല്ക്കാലം ഒരം പത്രറെഗുലേഷനെ സംബന്ധി ച്ചു യാതൊരാക്ഷേപവും പുറപ്പെടുവിക്കാതെ കല്പിച്ചുണ്ടാക്കിയ നിയമത്തെ ശിരസ്സാവ ഹിച്ചു, മഹാറാണി റീജൻറ തിരുമനസ്സിലെക്കും, രാജകുടുംബത്തോടും നമുക്കുള്ള ഭ ക്തിയെ പ്രത്യക്ഷപ്പെടുത്തണമെന്നു ഞാൻ അഭിപ്രായപ്പെട്ടുകൊള്ളുന്നു."

"തല്ക്കാലം" ഇതാണു് എന്റെ അന്നത്തെ വാക്കു് (ചിരി)

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[Mr. Tariatu Kunjitomman.]

പ്രജകളുടേ ക്ഷേമത്തെ സർവ്വോപരിവീക്ഷിക്കുന്ന മഹാറാണിറീജൻറു തിരുമനസ്സുകൊണ്ടു ഉണ്ടാക്കിയ ചട്ടത്തെ ഉടനടി മാറ്റിക്കിട്ടണമെന്നപേക്ഷിക്കുന്നത് ശരിയല്ലാ. അവിടുന്നു ആവശ്യമാണെന്നുള്ള വിചാരത്തോടുകൂടി ഉണ്ടാക്കിയ ചട്ടം കുറെക്കാലം നാം സഹിക്കയും, പിന്നീടതു ആവശ്യമില്ലെന്നുകാണുന്നപക്ഷം സങ്കടം പറയുകയും ചെയ്യാം. എന്നാൽ വാസ്തവത്തിൽ അന്നു അങ്ങനെയൊരു ചട്ടത്തിന്റെ ആവശ്യം ഉണ്ടായിരുന്നു. വർഗ്ഗങ്ങൾ തമ്മിൽ കലഹിപ്പിക്കുന്ന സമരകാഹളം ഊതുകയായിരുന്ന പല പത്രങ്ങളും ചെയ്തുവന്നിരുന്നതു്. അതിനെ ഇങ്ങനെ ഒരു നിയമം മൂലംകുറെ കാലത്തേക്കെങ്കിലും മാറ്റി നിറുത്താത്തപക്ഷം ഇവിടെ വലിയ കലാപത്തിനിടവരുമായിരുന്നു.

MR. P. S. MAHOMED (*Nominated*): അന്നു അങ്ങനെ ഊതിക്കൊണ്ടിരുന്ന പത്രങ്ങളുണ്ടായിരുന്നോ?

MR. TARIATU KUNJITOMMAN (*Muvattupuzha* cum *Todupuzha*): ധാരാളം ഉണ്ടായിരുന്നു. വലിയ പരിഷ്കൃതരാജ്യങ്ങളിലും അധികബഹളങ്ങൾ ഉണ്ടാകുമ്പോൾ പട്ടാളനിയമങ്ങൾ തന്നെയും ഏർപ്പെടുത്താറുണ്ടു്. എന്നാൽ അതു എന്നും വച്ചുകൊണ്ടിരിക്കാറില്ലാ. തല്ക്കാലം ജനക്ഷേമത്തിനു അതത്യാവശ്യമാണു്. ഇതെല്ലാം അന്നത്തെഎന്റെ പ്രസംഗത്തിൽ പറഞ്ഞിട്ടുള്ളവയാണു്.

MR S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): What has the member to say in regard to the opinion of Mrs. Kuruvila expressed to-day?

MR. TARIATU KUNJITOMMAN (*Muvattupuzha* cum *Todupuzha*): മലയാളത്തിൽ ചോദിച്ചാൽ ഉത്തരം പറയാം.

അതുകൊണ്ടു ഇപ്പോൾ ഈ നിയമത്തിന്റെ ആവശ്യംഇല്ല. ജനങ്ങൾ അവരുടെ ജീവനെക്കാളും പ്രധാനമായികരുതുന്നതു് സ്വാതന്ത്ര്യത്തെയാണു്. സ്വാതന്ത്ര്യത്തെതടയുന്ന നിയമങ്ങൾ ജനാവലിയുടെ അഭിവൃദ്ധിയ്ക്കു വിഘാതമുണ്ടാക്കും. എന്നാൽ ജനങ്ങളുടെ ക്ഷേമത്തെതടയുന്ന വിധത്തിൽ ഉപയോഗിക്കുന്ന ആ സ്വാതന്ത്ര്യത്തെ തടയുകയും വേണം. ഇപ്പോൾപത്രങ്ങൾ അവരുടെ സ്വാതന്ത്ര്യത്തെ ദുരുപയോഗപ്പെടുത്തുന്നു എന്നു് പറയാൻ നിവർത്തിയില്ലാ. ചിലതെല്ലാം സ്വല്പം അമിതമായ സ്വരം പുറപ്പെടുവിയ്ക്കുന്നുണ്ടെങ്കിലും പൊതുവിൽ നോക്കുന്നപക്ഷം അവയെല്ലാം വളരെശാന്തമാണു്. അതുകൊണ്ടു ഈ നിയമത്തെ മാറ്റിക്കളയണമെന്നു മഹാറാണി റീജൻറു തിരുമനസ്സിലെ ഗവണ്മെൻറിനോടു ശുപാർശ ചെയ്യുന്ന ഈ പ്രമേയത്തോടു അനുകൂലിക്കേണ്ടതു് എന്റെ

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കടമയാണെന്നു ഞാൻ വിശ്വസിക്കുന്നു. പത്രറഗുലേഷൻ വന്നതിനു ശേഷം പത്രങ്ങളുടെ സ്വരം കുറെ ശാന്തമായിട്ടുള്ളതുകൊണ്ടു ഭരണസംബന്ധമായിശക്തിയായ വിമർശനങ്ങൾചെയ്യുന്നതിനു നിവൃത്തിയില്ലാത്തതിനാൽ ഭരണവിഷയത്തിൽ പല വൈകല്യങ്ങളും നേരിട്ടിട്ടുണ്ട്. ഭരണാധികാരികൾ ആരും തന്നെ സർവ്വജ്ഞന്മാരല്ലല്ലൊ. അവരുടെ തെറ്റുകളെ അപ്പോഴപ്പോൾ ശക്തിയായി വിമർശിച്ചുകൊണ്ടിരുന്നാൽ മാത്രമേ ഭരണം നന്നാക്കാൻ നിവൃത്തിയുള്ളൂ. അമിതമായ ആക്ഷേപസ്വരം വരാതെ അവരുടെ തെറ്റുകളെ ചൂണ്ടിക്കാണിയ്ക്കുതന്നെ വേണം. എന്നാൽ മാത്രമേ ജനഹിതമാംവണ്ണം രാജ്യഭരണം നടത്തിക്കാൻ സാധിയ്ക്കയുള്ളൂ. പ്രജാസഭ, നിയമസഭ ഇതെല്ലാം ഉണ്ടെങ്കിലും ജനങ്ങളുടെ സ്വാതന്ത്ര്യത്തേയും അഭിമാനത്തേയും അവഗണിച്ചു പ്രവൃത്തിയ്ക്കുന്ന ഉദ്യോഗസ്ഥന്മാരെ ശരിയായ പഥത്തിൽ കൂടി നയിക്കാൻ ഉള്ള ശക്തി അവർക്കില്ലെന്നു ഇടെക്കിടെ കാണുന്ന ഉദാഹരണങ്ങൾ കൊണ്ടുതന്നെ മനസ്സിലാക്കാം. അതുകൊണ്ടു പത്രറഗുലേഷനെ മാറ്റി ജനങ്ങളുടെ ഹിതത്തേയും ഉദ്യോഗസ്ഥന്മാരുടെ ദൃഷ്ടിങ്ങളേയും ഗവണ്മെൻറിനെ ധരിപ്പിക്കത്തക്കവണ്ണം പത്രങ്ങൾക്കു സ്വാതന്ത്ര്യം നൽകേണ്ടതു് ആവശ്യമാണെന്നുള്ള അഭിപ്രായത്തെ ഞാൻ പ്രാതിനിധ്യം വഹിക്കുന്ന നിയോജകമണ്ഡലത്തിലെ ജനങ്ങളുടെ പ്രതിനിധി എന്ന നിലയിൽ അവരുടെ ഹിതാനുസരണം പ്രസ്താപിച്ചുകൊണ്ടു ഞാൻ ഈ പ്രമേയത്തെ ബലമായി പിൻതാങ്ങികൊള്ളുന്നു.

MR. A. C. KURIAKOSE (*Minachil cum Devicolam*): സർ, ജനപ്രതിനിധി സഭകളുടെ അവകാശ സ്വാതന്ത്ര്യങ്ങളെ സംരക്ഷിയ്ക്കേണ്ടതു ആവശ്യമാണെന്നും, അതിൻവണ്ണം തന്നെവർത്തമാന പത്രങ്ങളുടെ ന്യായമായ സ്വാതന്ത്ര്യത്തെ അനുവദിച്ചുകൊടുക്കേണ്ടതു് അത്യന്താപേക്ഷിതമാണെന്നുമുള്ള അഭിപ്രായത്തോടുകൂടിയ ആളാണു് ഞാൻ. എന്നാൽ വർത്തമാന പത്രങ്ങളെ അനിയന്ത്രിതമായ നിലയിൽ പ്രവൃത്തിക്കുന്നതിനു് അനുവദിച്ചു് തോന്ന്യവാസമായി പറയുവാൻ സൌകര്യം ഉണ്ടായിരിക്കുന്ന ഒരു സാഹചര്യത്തിൽ വിട്ടുകളയുന്നതു് ആപൽക്കരമാണു്. ഉത്തരവാദിത്വം ഇല്ലാത്തതായ ചില ആളുകളുടെ ചുമതലയിൽ പത്രങ്ങൾനടക്കാൻ ഒരുകയ്യുമുള്ളതായി കാണുന്ന തിരുവിതാംകൂറിൽ, ആ വക സ്വാതന്ത്ര്യങ്ങളെ തടയാതിരിക്കുന്നതു കൊണ്ടു് പല പ്പോഴും, ഭിന്നസമുദായങ്ങൾഅധിവസിക്കുന്ന ഒരു രാജ്യത്തിൽ, പലേതരത്തിലുള്ള അഭിപ്രായഭിന്നതകൾ ഉണ്ടായി, അതു നിമിത്തം സമുദായമത്സ

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[Mr. A. C. Kuriakose.]

രങ്ങൾക്കു കാരണമായിതീരാമെന്നുള്ള അഭിപ്രായവും എനിയ്ക്കുള്ളതാണ്. ഒരംസാഹചര്യം ആലോചിച്ചുനോക്കുമ്പോൾ ഒരു വർത്തമാനപത്രറഗുലേഷൻഉണ്ടായിരിക്കേണ്ട ആവശ്യം നേരിട്ടതുകൊണ്ടു മഹാറാണിറീജൻറു തിരുമനസ്സുകൊണ്ടു ഒരു നിയമം കല്പിച്ചു അനുവദിക്കയുണ്ടായി എന്നു സന്തോഷിക്കുവാനെയുള്ളു. അക്കാലത്തു് അതിനുമുണ്ണുമുള്ളതായ ഒരു സങ്കടാവസ്ഥയിൽ തിരുവിതാംകൂറിലെ ജനങ്ങൾ എത്തിയിരുന്നുവെന്നും തിരുവിതാംകൂറിലെ പത്രങ്ങളുടെ ചിന്തിന്റെ സ്വരം കേവലം അസമധാനപരമായി പരിണമിച്ചിരുന്നുവെന്നും ഇപ്പോൾ മിസ്റ്റർ. കുഞ്ഞാലം പരമേശ്വരൻപിള്ള ഇവിടെ വായിച്ചതായ രേഖകളിൽനിന്നു വ്യക്തമായി ഇവിടെയുള്ളവർ കേൾക്കയുണ്ടായി. രണ്ടു വർഷത്തിലധികം കാലമായിട്ടു വർത്തമാന പത്രങ്ങളുടെ സ്വരം സാമാന്യമിതമായിരിക്കുന്നുവെന്നും, ഭിന്നസമുദായങ്ങൾ തമ്മിലുള്ള മത്സരത്തിന്റെ ഹേതു കുറഞ്ഞുവരുന്നുവെന്നും, അവർ സൗഹാർദ്ദതയോടുകൂടി പ്രവർത്തിച്ചുവരുന്നുവെന്നും ഉള്ള അഭിപ്രായം പരമാർത്ഥം തന്നെ. ഇങ്ങിനെ സൗഹാർദ്ദതയോടെ അവർ പ്രവർത്തിക്കുന്നുണ്ടെങ്കിലും ആ നില പെട്ടെന്നു് ഭേദപ്പെടാം. പൊതുജനാഭിപ്രായം എന്ന രൂപത്തിൽ ശരിയല്ലാത്ത അഭിപ്രായങ്ങളും അനാശാസ്യങ്ങളും അനുഭവങ്ങളുമായ വൃത്താന്തങ്ങളും പദാവലികളും, നാനാജാതി മതസ്ഥരായ സ്ത്രീകളും കുട്ടികളും വൃദ്ധന്മാരും ഉൾപ്പടേയുള്ള പലേതരക്കാരായ ജനങ്ങളുടെയിടയിൽ പരത്തുന്നതിലേക്കുള്ള ശക്തി വർത്തമാന പത്രങ്ങൾക്കുണ്ടായിരിക്കുകകൊണ്ടു്, അവകൾ അനിയന്ത്രിതമായ സ്വാതന്ത്ര്യത്തോടുകൂടിയിരുന്നാൽ ചിലപ്പോൾ കലഹത്തിനും ഭിന്നതയ്ക്കും സമുദായ മത്സരത്തിനും കാരണമാകാൻ ഇടയുണ്ടു്.

സ്വാതന്ത്ര്യമെന്നു പറയുന്നതു് ജന്മസിദ്ധമായ ഒരു അവകാശമാണെന്നു് ഞാനും സമ്മതിക്കുന്നു. മനുഷ്യർക്കു് ജന്മസിദ്ധമായ അവകാശത്തെനിയന്ത്രിക്കണമെന്നുപറയുന്നതു ഒരിക്കലുംയുക്തികരമായിരിക്കയില്ലാ. എന്നാൽ ജന്മസിദ്ധമായ സ്വാതന്ത്ര്യത്തെ വച്ചുകൊണ്ടിരിക്കുന്ന മനുഷ്യൻ സ്വതന്ത്രനല്ലായെന്നു അവന്റെ നടപടി ശരിയായി തന്നത്താനെപരിശോധിച്ചാൽ കാണാൻ സാധിക്കും. വൃദ്ധന്മാരുടെയിടയിൽ ചെല്ലുന്ന ഒരുയുവാവിനു യുവാക്കന്മാരുടെയിടയിൽ എത്രത്തോളംസ്വാതന്ത്ര്യമായി സംഭാഷണം നടത്താൻ കഴിയുമോ അതിനുമുണ്ണുമുള്ള സംഭാഷണം നിർവ്വഹി

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ക്കുവാനുള്ള ശക്തിക്ഷയിച്ചുപോകുന്നു. പ്രമാണങ്ങളായാലുകട്ടെ, നിയമങ്ങളായാലുകട്ടെ അവൻ നിബ്ബന്ധിതനാകുന്നില്ലെങ്കിലും സാമുദായിക ജീവിതത്തിൽ പരമ്പരയായി വന്നിരിയ്ക്കുന്ന അനുഭവംകൊണ്ടു അവൻ വൃദ്ധന്മാരുടെയിടയിൽ ചെല്ലുമ്പോഴും സ്വന്ത സ്നേഹിതന്മാരുടെയിടയിൽ പ്രവൃത്തിയ്ക്കുന്നതുപോലെ പ്രവൃത്തിയ്ക്കുവാൻ കഴിവുള്ളവനാകയില്ലാ. സ്ത്രീകളുടേയും കുഞ്ഞുങ്ങളുടേയും ഇടയിൽ സംഭാഷണം നടത്തുമ്പോഴും സാധാരണയുള്ള സംഭാഷണത്തെ കുറെക്കൂടി നിയന്ത്രിക്കാൻ അവൻ ക്രൂരതൽ നിബ്ബന്ധിതനായി തീരുന്നു. അതിനുമണ്ണം തന്നെ ഒരു രാഷ്ട്രത്തേയും സമുദായത്തേയും പരിഗണിച്ചുള്ള പ്രവർത്തനത്തിൽ ഓരോരുത്തനും സ്വന്തനിലയിൽ അസ്വതന്ത്രനായി തീരുമെന്നു കാണാൻകഴിയും.

പ്രാമതലബോധമോ, മറ്റുള്ളവരോടു ഉത്തരവാദിത്വം വഹിക്കാനുള്ള ശക്തിയൊ, തക്ക മൂലധനമൊ ഇല്ലാത്തവരാൽ നടത്തപ്പെടുന്ന വർത്തമാനപത്രങ്ങളും ധാരാളം ഉണ്ടായിരിക്കാം. ഇങ്ങനെ മൂലധനവും സ്വശക്തിയുമില്ലാതെ മറ്റുള്ളവരുടെ പ്രേരണയ്ക്കു വശംവദരായി ചില പ്പോൾ സമുദായ മത്സരത്തെത്തന്നെ ഉണ്ടാക്കുന്നതിനു തക്ക സന്നദ്ധതയോടുകൂടി പുറപ്പെടുന്ന ചില പത്രപ്രവർത്തകന്മാരും ഉണ്ടായിരിക്കും. വളരെ ഉൽകൃഷ്ടമായ രീതിയിൽ നടത്തുന്ന വർത്തമാനപത്രങ്ങളും ധാരാളം ഉണ്ടായിരിക്കും. അങ്ങിനെ ഉത്തരവാദിത്വത്തോടുകൂടി നടത്തുന്ന പത്രങ്ങൾക്കു സ്വാതന്ത്ര്യക്കുറവുവരുത്തുന്നതിൽവണ്ണമാണു ഈ റഗ്രലേഷന്റെറനില എനിക്കു ചിലർ അഭിപ്രായപ്പെടും. എങ്ങിനെയായാലും ഒരു പത്രനിയന്ത്രണറഗ്രലേഷൻ വേണമെന്നുള്ള നില പത്രങ്ങൾതന്നെ വരുത്തിവച്ചതാണു്.

എന്റെ ചില മാന്യസ്നേഹിതന്മാർ ഈ വർത്തമാനപത്രറഗ്രലേഷൻ ആവശ്യമുണ്ടായിരുന്നാൽ തന്നെയും ഈ കൌൺസിൽ മുഖേന അതു നിർമ്മിക്കാമായിരുന്നു എന്നു അഭിപ്രായപ്പെട്ടു. അതു പരമാർത്ഥമാണെന്നു ഞാനും സമ്മതിക്കുന്നു. എന്നാൽ കൌൺസിൽ മുഖേന ഒരു റഗ്രലേഷൻ ഉണ്ടാക്കി നടപ്പിൽ വരുത്താൻ എത്രത്തോളം സാവകാശവും സൌകര്യവും വേണമെന്നുള്ളതു് ഈ കൌൺസിലിൽ ദീർഘകാലം പ്രവർത്തിച്ചിട്ടുള്ളവർക്കറിയാവുന്നതാണു്. ആ സ്ഥിതിക്കു് ഇങ്ങിനെ ഒരു വാദം പുറപ്പെടുവിക്കേണ്ട ആവശ്യം തന്നെയില്ല. അതിനുമണ്ണം തന്നെനിയമങ്ങൾഉണ്ടാക്കാനുള്ള അവകാശങ്ങൾപ്രവർത്തിതങ്ങളായാലും അവയേ അനുവദിച്ചുനടപ്പിൽവരുത്തുവാൻ അവകാശമുള്ള പരമാധികാരത്തിൽ

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[Mr. A. C. Kuriakose]

നിന്നും പെട്ടെന്നു ഒരു നിയമം ഉണ്ടാക്കിയാൽ അതൊരിക്കലും അസ്ഥാനത്തിലായിട്ടു കരുതാൻ പാടില്ലെന്നും കൌൺസിലിൽ കൊണ്ടുവന്നില്ലെങ്കിൽ അതു ഒരു തെറ്റല്ലെന്നുമാണു എന്റെ അഭിപ്രായം. അതക്ഷപ്രതങ്ങളായ ആവശ്യങ്ങളെ നിർവഹിക്കയൊ അനിയന്ത്രിതസ്വാതന്ത്ര്യത്തെ നിയന്ത്രിക്കുകയൊ ചെയ്യുന്നതിനു ചുമതലപ്പെട്ട രാജസ്ഥാനത്തുനിന്നും ഉണ്ടാക്കുന്ന നിയമങ്ങളെ സംബന്ധിച്ചെടത്തോളം ജനങ്ങൾക്കു സങ്കടമുണ്ടെങ്കിൽ തന്നെയും അതിനെ സഹിച്ചും തിരുവിതാംകൂർ കാരുടെ രാജഭക്തിയെ പ്രദർശിപ്പിക്കേണ്ടതാണു്. നിയമത്തിൽ കഠിനഭാഗങ്ങൾ ഉണ്ടെങ്കിൽ മിതമായ സ്വരത്തിൽ ആ മഹനീയസ്ഥാനത്തു സങ്കടമറിയിച്ചാൽ നിവർത്തിയുണ്ടാകുമെന്നാണു് എന്റെ വിശ്വാസം.

ഫ ഫ ഠ ഫ-ചെ ഭ-ാംറഗ്രലേഷനെ റദ്ദു ചെയ്യണമെന്നുള്ളതാണു പ്രമേയം. എന്നാൽ രാജ്യത്തിന്റെ ക്ഷേമത്തെ കാംക്ഷിക്കുന്ന ആളുകൾ ആരുംതന്നെ ഇങ്ങനെ ഒരു റഗ്രലേഷൻ വേണ്ടാ എന്നുള്ള ഭാഗത്തെ അനുകൂലിക്കുമെന്നു എനിക്കു അഭിപ്രായമില്ല.

അന്നത്തെ സ്ഥിതിക്കു മഹാറാണിറീജൻറു തിരുമനസ്സുകൊണ്ടു ഇങ്ങനെ ഒരു നിയമം കൊണ്ടു് പത്രങ്ങളെ നിയന്ത്രിച്ചില്ലെങ്കിൽ രാജ്യത്തിൽ വലിയ ആപത്തുകൾ നേരിടുമായിരുന്നു. ഭയങ്കരങ്ങളായ സാംക്രമികരോഗങ്ങൾ രാജ്യത്തുണ്ടാകുമ്പോൾ അവ രാജ്യത്തിന്റെ എല്ലാഭാഗങ്ങളിലും വ്യാപിക്കാതെ ഇരിക്കുന്നതിനും അതിനെ നശിപ്പിക്കുന്നതിനുമായി ശക്തിയായും യുക്തിയായും വേണ്ടതു പ്രവർത്തിക്കുന്നതായിട്ടുകാണാം. ദേവികുളം താലൂക്കിൽ പ്ലേഗുപോലെ ഒരു കേട്ടപ്പോൾ നമ്മുടെ ഗവണ്മെൻറു അതു രാജ്യംമുഴുവനും വ്യാപിക്കാതേയിരിക്കുന്നതിനുവേണ്ടി പല പ്രവർത്തികളും ചെയ്തു. അതുപോലെ തിരുവിതാംകൂറിലെ അനിയന്ത്രിതമായ പത്രപ്രവർത്തനസമ്പ്രദായം നിമിത്തം ജനങ്ങളുടെ ഇടയിൽ ഉണ്ടായേക്കാമെന്നു ശങ്കിച്ചിരുന്ന കലാപങ്ങളെ തീർക്കുന്നതിനു മഹാറാണിറീജൻറു തിരുമനസ്സുകൊണ്ടു ഒരു നിയമം ഉണ്ടാക്കാൻ നിർബന്ധിതയായി. അതുകൊണ്ടാണു് പത്രറഗ്രലേഷൻ ഉണ്ടായിട്ടുള്ളതു്. പത്രറഗ്രലേഷൻ ഉണ്ടാക്കുന്നതിനു മുമ്പിലത്തെ വർത്തമാനപത്രസാഹിത്യം വളരെ ദുഷിച്ചുവന്നു. ഏതാനും ചിലപത്രങ്ങൾ പൊതുജനമധ്യത്തിൽ തുറന്നുവായിക്കുവാൻതന്നെ പാടില്ലാത്തവിധം നിന്ദ്യങ്ങളായ പദാവലികളെക്കൊണ്ടു നിറക്കപ്പെട്ടിരുന്നു. രാജശക്തിക്കു ഇങ്ങനെയുള്ള തോന്ന്യാസങ്ങളെ തടയാൻ കഴിവുണ്ടെന്നുള്ള ബോധം ജനസമൂ

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ദായത്തിനുണ്ടായിരിക്കുന്നതു നല്ലതാണു്. അതിലധികം ഒന്നും പത്രറഗ്ലേഷൻകൊണ്ടു സാധിച്ചിട്ടില്ലെന്നു വ്യക്തമായിക്കാണിക്കാൻ കഴിയും.

റഗ്ലേഷൻ ഉണ്ടായതിൽപിന്നെ പത്ര പ്രചരണത്തെ ബാധിക്കത്തക്കവണ്ണം റെഗ്ലേഷൻ അനുസരിച്ചു യാതൊരു നടപടിയും ഉണ്ടായിട്ടില്ല. ഗവൺമെണ്ടു വളരെ വിവേകപൂർവം ഉപയോഗിക്കുവാൻ സൂക്ഷിച്ചിരിക്കുന്ന ഒരു ആയുധമായിട്ടുമാത്രമെ ഇതിനെ കണക്കാക്കാനുള്ളൂ.

യാതൊരു റെഗ്ലേഷന്റെ സഹായവുംകൂടാതെ പ്രയോഗിക്കാവുന്ന രാജാധികാരം, ആവശ്യപ്പെട്ടാൽ പ്രയോഗിക്കുന്നതായിരിക്കും എന്നുള്ള ഓമ്മ ജനാവലിക്കു ഉണ്ടായിരിക്കേണ്ടതിനായിട്ടുമാത്രമാ അതു ഉദ്ദേശിക്കപ്പെട്ടിട്ടുള്ളൂ. പക്ഷെ അതിലധികം ഭാവിക്കുവാനും പറയാനും കഴിയുന്നതാണു്. റെഗ്ലേഷന്റെ അർത്ഥവ്യാപ്തിയിൽ പെടുത്തി നടപടി നടത്തത്തക്ക പത്രപ്രസ്താവനകളും റെഗ്ലേഷനു പിന്നും ഉണ്ടായിട്ടുണ്ടു്. എങ്കിലും അതിനു മുമ്പിലത്തേപ്പോലെ അതു ആഭാസമായി ദുഷിച്ചതും നീചവുമായ പദാവലികൾ പത്രത്തിൽ കടന്നുകൂടുന്നതായി കാണപ്പെടുന്നില്ല. ഈ റെഗ്ലേഷന്റെ ഉപയോഗം ഇതുതന്നെയാണു്. സാന്മാർഗ്ഗികനിലയ്ക്കു വിരോധകരങ്ങളായ പ്രസിദ്ധീകരണങ്ങൾ ആവശ്യം തടയപ്പെടേണ്ടതാണെന്നാണു എന്റെപക്ഷം.

എല്ലാകുറ്റങ്ങൾക്കും ക്രിമിനൽ വിധമത്തെ അഭയം പ്രാപിക്കുന്നതു് ഗുണകരമല്ല. ഒരു ക്രിമിനൽ കേസിന്റെ പര്യവസാനം വരെ അതിനു് ഹേതുവായിവരുന്ന ദുഷിച്ച സാഹിത്യം പ്രചരിക്കുവാൻ സംഗതിയാകുന്നതു് സാംക്രമികരോഗം സർവ്വത്രവ്യാപിക്കുന്നതു് വരെ പരിഹരണാർത്ഥം ശ്രമിക്കാതെ അശ്രദ്ധയായിരിക്കുന്നതിനോടു തുല്യമായ നാശഫലത്തെ ചെയ്തേയ്ക്കാം. ഇങ്ങനെയുള്ള സാഹിത്യം നമ്മുടെ സന്താനങ്ങളുടെ സന്മാർഗ്ഗബോധത്തേക്കളങ്കപ്പെടുത്തുന്നതാണു്. അതു ഭാവിയിലേയ്ക്കു് രാജ്യക്ഷേമത്തിനും, സമാധാനകാലക്ഷോഭത്തിനും ബാധകമായും തീരും. അതിനാൽ പത്രസാഹിത്യ നിയന്ത്രണം അത്യാവശ്യമാണു്.

കല്പിച്ചു ഏർപ്പെടുത്തിയിട്ടുള്ള ഒരു നിയമം റദ്ദ് ചെയ്യണമെന്നു ശഠിയ്ക്കുന്നതും ഭംഗിയാണെന്നു എനിക്കു തോന്നുന്നില്ല. അതിലേയ്ക്കുപയോഗിക്കുന്ന സ്വാതന്ത്ര്യം തന്നെ അതിരു കവിഞ്ഞതായി വരുകയില്ലയൊ എന്നു എനിക്കുസംശയമുണ്ടു. റഗ്ലേഷനിൽ കഠിനങ്ങളായ ഭാഗങ്ങൾ ഉണ്ടു. അതുപെട്ടെന്നു ആവശ്യപ്പെട്ടു നിർമ്മിച്ചതാകകൊണ്ടും, അന്നത്തെ പത്രസാഹിത്യം അതു ദുഷിച്ചതായിരുന്നതുകൊണ്ടും റഗ്ലേഷനിൽ കടന്നുകൂടി എന്നതെ വിശ്വസിക്കേണ്ടതു. അങ്ങിനെയുള്ള ഭാഗങ്ങ

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[Mr. A. C. Kuriakose.]

ളെ ദയാസമേതം ഭേദപ്പെടുത്തിക്കിട്ടുന്നതിലേയ്ക്കായി അഭ്യർത്ഥിയ്ക്കുകയാണു പൗരധർമ്മം. അതിനായി ഒരു നിശ്ചയം മഹാജരാക്കുകയാണെങ്കിൽ അതിൽ അനുകൂലിക്കുന്നതിനു എനിക്കു വളരെ സന്തോഷമുണ്ടു. തിരുവിതാംകൂറിലെ സ്ഥിതിക്കു ഇങ്ങനെ ഒരു റസല്യൂഷൻ വേണ്ടതാണു്. അല്ലെങ്കിൽ ഇനിയും പത്രങ്ങളിൽ ദുഷിച്ചതും നീചവും അനാശാസ്യവും അസമാധാനപരവുമായ പദാവലികൾ കടന്നുകൂടുന്നതിനു ഇടയുണ്ടു്. അതു അനുവദനീയമല്ല. റസല്യൂഷനിലെ കാഠിന്യം കുറയ്ക്കുയും അത്യാവശ്യത്തിനുമാത്രം അതു ഉപയോഗപ്പെടുത്തുകയും ചെയ്യേണ്ടതാണു്. ഇപ്പോഴത്തെ നിലയിൽ ഈ പ്രമേയത്തോടു അനുകൂല്യം ഭാവിക്കുവാൻ നിവൃത്തിയില്ല. അതിനാൽ പ്രസ്തുത റസല്യൂഷൻ വർദ്ധിക്കണമെന്നു അഭ്യർത്ഥിക്കുന്ന ഈ പ്രമേയത്തോടു ഞാൻ യോജിക്കുന്നില്ല.

MR. L. R. RAJA RAJA VARMA KOILTAMPURAN (*Changanachery cum Peermade*): എനിയ്ക്കു ഈ സഭയിൽ സന്നിഹിതനാകുന്നതിനും, എന്റെ നിയോജകമണ്ഡലത്തിലെ പ്രതിനിധ്യം വഹിക്കുന്നതിനും സംഗതിയായതിൽ എന്റെനിയോജകമണ്ഡലത്തിലെ ജനങ്ങളോടു ഞാൻ പ്രത്യേകം നന്ദിയുള്ളവനായിരിക്കുന്നു. ഞാൻ ഇവിടെ വരുന്നതിനുമുൻപും, വന്നതിനുശേഷവും അന്വേഷിച്ചതിൽ പൊതുവെ എനിയ്ക്കു കിട്ടിയ അഭിപ്രായം ഈ പത്രറസല്യൂഷൻ നിശ്ചയമായിട്ടും നിവൃത്തണം എന്നുള്ളതാണു്. എന്നാൽ എന്റെസ്വയാഭിപ്രായം ചോദിക്കുകയാണെങ്കിൽ അതിലേക്കു യഥാർത്ഥമായ ഒരു ഭേദഗതി മാത്രം കൊണ്ടുവന്നാൽ അതുമതിയാകുമെന്നാണു്. എന്നാൽ ഈ അഭിപ്രായം രേഖപ്പെടുത്തികൊണ്ടു് ഞാൻ ഈ പ്രമേയത്തെ പിൻതാങ്ങുന്നു.

MR. V. J. OOMMEN (*Commerce and Industry South*): ഞാൻ ഈ പ്രമേയത്തെ ശക്തിയായി അനുകൂലിക്കുന്നു. വർത്തമാന പത്രങ്ങൾ എന്നു പറയുന്നതു് പൊതുജന നാവുകളാണു്. ഇപ്പോൾ ഈ റസല്യൂഷൻ മൂലം നാട്ടിലുള്ള പൊതു ജനങ്ങളുടെ നാവുകളെ അടച്ചിട്ടിരിക്കയാണു്. തിരുവിതാംകൂറിലെ മാന്യന്മാരായ ആളുകളെ അവമാനിക്കണമെന്നുള്ള ഒരുദ്ദേശമാണു് ഒരം നിയമംകൊണ്ടു സാധിക്കുന്നതു്. എന്റെ സ്നേഹിതൻ മിസ്റ്റർ ടി. ഡി. കേശവപിള്ള പറയുന്നതുപോലെ ഇ. വി. കൃഷ്ണപിള്ള എന്നു പേർവച്ചു് നിയമസഭാ മെമ്പർമാരെ സംബന്ധിച്ചു് മനോരമയിലും, വേറെ ചില സാമാജികന്മാരെ സംബന്ധിച്ചു് പ്രതിദിനപ്പത്രത്തിലും ഏതെങ്കിലും ലേഖനങ്ങൾ പ്രസിദ്ധപ്പെടുത്തീട്ടുണ്ടെങ്കിൽ അങ്ങിനെയുള്ള പ്രസിദ്ധീകരണങ്ങൾക്കു മനോരമാ പത്രാധിപരോ, അല്ലെങ്കിൽ പ്രതിദിനം പത്രാധിപരൊ ഉത്തരവാദിയായിരിക്കുമെന്നല്ലാതെ

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തിരുവിതാംകൂറിലെ എല്ലാ പത്രങ്ങളെ അല്ലെങ്കിൽ ഇവിടത്തെ പൊതുജനാഭിപ്രായത്തെ ഉത്തരവാദിയല്ല. പത്രങ്ങൾ മര്യാദവിട്ട മാന്യന്മാരായ ആളുകളേയോ അല്ലെങ്കിൽ ഗവണ്മെൻറിനെ തന്നെയോ ആക്ഷേപിക്കുന്നുണ്ടെങ്കിൽ അവരെ മര്യാദ പഠിപ്പിക്കുന്നതിനു പീനൽകോഡിൽ ധാരാളം വകുപ്പുകളുണ്ട്. ഒരു സ്ഥിതിയ്ക്കു തിരുവിതാംകൂറിലെ പൊതുജനാഭിപ്രായത്തിന്റെ വായ് മൂടി കെട്ടത്തക്ക വിധത്തിലുള്ള ഒരു റെഗുലേഷൻ ഇനിമേൽ തുടർന്നുകൊണ്ടുപോകുന്നതു ഒരിക്കലും നന്നല്ല. പത്രങ്ങൾകൊണ്ടു രാജ്യത്തിനുണ്ടാകുന്ന പ്രധാന ഗുണം രാജ്യത്തിന്റെ ഭരണയന്ത്രത്തെ വഹിച്ചുകൊണ്ടു പോകുന്നതായ സകല ഗവണ്മെൻറുദ്യോഗസ്ഥന്മാരുടെയും ന്യായമല്ലാത്ത നടപടികളെ അപ്പപ്പോൾ ഗവണ്മെൻറിന്റെ ദൃഷ്ടിയിൽ കൂണ്ടിക്കാണിക്കുന്നതിനുതകുന്നു എന്നുള്ളതാണ്. ഏതൊരു രാജ്യത്തും ഇങ്ങിനെ ഒരു പത്രം ഉണ്ടായിരിക്കുന്നതുകൊണ്ടു ഉദ്യോഗസ്ഥന്മാർ നല്ലനടപ്പുള്ളവരായിരിക്കുന്നതിനും, പൊതുജന ക്ഷേമകരമായ പ്രവർത്തി അവർ ഉത്തരവാദിത്വ ബോധത്തോടുകൂടി ചെയ്യുന്നതിനും സാധിക്കുന്നതാകുന്നു. എന്നാൽ ഇങ്ങിനെയുള്ള ഒരു റഗുലേഷൻ നിമിത്തം ഗവണ്മെൻറു ഉദ്യോഗസ്ഥന്മാരുടെ ദുഷ്പ്രവൃത്തികളെ സഹായിക്കുന്നതിനു കൂടുതൽ സൌകര്യം കൊടുത്തിരിക്കയാണു് ചെയ്തിരിക്കുന്നതെന്നാണു് എന്റെ അഭിപ്രായം. അതിനാൽ അനുദ്യോഗസ്ഥ മെമ്പറന്മാരെല്ലാവരും ഒരു പ്രമേയത്തെ അനുകൂലിക്കുന്നതുകൂടാതെ ഇവിടെ കൂടിയിരിക്കുന്ന ഉദ്യോഗസ്ഥ മെമ്പറന്മാരും ഒരു പ്രമേയത്തെ അനുകൂലിക്കണമെന്നാണ് എന്റെ അപേക്ഷ.

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): I move that the question be now put.

MR. K. N. RAMASUBBA AIYAR (*Financial Secretary to Government*): I second the motion.

The motion for closure was put and carried.

PRESIDENT: You have a right to reply, Mr. NilakantaPillai

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Sir, it is Mr. Joseph that deserves my first attention. He is the first member who opposed the resolution on this side of the House, making a general remark with regard to the speeches made against the resolution. I think that all those who spoke did not put forward any convincing arguments showing that there is no necessity for repealing this Regulation. But many of the members opposed it for the sake of opposing the resolution, and no word of wisdom fell from their mouths. At the same time, Sir, because of the position such characters occupy in deciding important public matters of the State the arguments which they advanced have to be met. The learned Law Member quibbled, as he is very clever in doing it, and quoted some of the detached sentences from the previous Council proceedings of this

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House, to convince this side of the House that even the mover of the resolution admitted that some newspapers whose history was not quite satisfactory were playing a rather dangerous game. Sir, last time when I moved my motion, Mr. George, the Chief Secretary, opposed it saying that there is a tendency in the Travancore Press to make violent attacks upon persons, upon Government officers, and so on. And I interrupted the member and asked what was the number of papers which played this game. He was unable to answer. When the Law Member followed him, I interrupted him and asked him what was the number of the newspapers which played such a game. But the Law Member did not give an answer. During my closing remarks another member questioned me, because Government was unwilling to come forward with an honest answer. I gave an honest answer that there were only one or two papers which played that game. At that time these two papers were really undergoing prosecution launched by Government. I ask, Sir, how that statement could be used against me while the learned Law Member was arguing. That is the only thing he puts forward as his arguments today. The next argument, Sir, is about the provision in the Regulation regarding licenses, and the learned Law Member was refreshing his memory on the point with a reference to the Mysore Regulation by saying that there is no definite provision in the Regulation refusing license. That is no argument and it is a piece of legal information which I got from him because the Mysore Regulation does not contain any provision that licenses shall be granted or refused. The learned Law Member thinks that Government can refuse licenses. That is not the case. According to the spirit of the Mysore Regulation and reading the Regulation as a whole the inference is inevitable that every body can take up license but that in particular cases when a publisher is convicted for sedition or creating class hatred, Government can take action and prohibit the publication of that paper.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Will the member kindly read that Section?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Exactly that Section is not before me. Anyhow that—

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I put it that it is perhaps only a proposed amendment bill that he is thinking of and not the Regulation itself?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): This is the report of the Committee appointed to consider the necessity for the amending bill. The accompanying bill is the result of their deliberations which was sent up to Government with a unanimous report. The main provisions of the bill are as follows:—

"(1) that previous permission of the Government to edit, print or publish newspapers will not be required;

(2) that Government may prohibit the publication of a newspaper in cases where the editor, printer or publisher is convicted of the offence of sedition or of promoting enmity between classes under Section 124 A or 153 A of the Indian Penal Code;

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(3) that Government will have the same power to prohibit the publication of a newspaper if it habitually publishes matter punishable under the above two sections or under Section 500 of the Indian Penal Code relating to defamation ;

(4) that in such cases an appeal against the order of Government will lie to a Special Bench of the Chief Court ".

The above is the unanimous report of the Committee appointed to repeal the Newspapers Regulation which existed in Mysore.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : In what year was that report submitted ?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : In 1925.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Does he know why the bill has not yet been passed into law though it is now three years since the report was submitted ?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : I do not know. I shall be very glad to hear it from the Law Member, because he has better opportunities to know something definite in the matter.

Sir, excluding this the convincing arguments which were laid before the House from this side have not been met. To summarise the arguments which were made from this side of the House, first of all, we said that the Government have not established a case or suggested the set of circumstances which necessitated the passing of the Regulation. Secondly, this Regulation violates even the established principle laid down by the Judicial committee of the Privy Council that an accused person must be made to know what the charge he has to meet is or what provision of law he has violated. Thirdly, it does not contain a provision providing for an appeal. Fourthly, the presumption in all criminal cases that the accused is innocent until the complainant proves his case by strong prosecution evidence is not kept in view. Here, the case is reversed. The accused is presumed to be guilty and is convicted. Then he is given an opportunity to show whether his conviction is right or not. Although Section 9 provides for a revision to be put before the High Court, Section 15 says—

"No order passed or action taken under this Regulation shall be called in question in any court otherwise than in accordance with the provisions of this Regulation."

That means, Sir, that even the right given to a convicted man to put in a petition before the High Court is as limited as possible since the High Court is not in a position to sit in judgment over the order of the executive. I ask whether any body in this House has met with such a provision in any piece of legislation in any part of the world, except in Travancore. I have no doubt the answer will be in the negative. The learned Deputy President, the learned Law Member and others who spoke have not put forward a single argument to meet the arguments advanced from this side of the House. Their position is that this measure was discussed once before in this House somewhere in 1101 and that it was defeated. The learned Law Member was emphasising the point that only 14 elected members voted in favour, while 30 members voted against it. That again requires a

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bit of analysis. Sir, those 14 members were the elected members of the people. On the other side, 15 members were official members, and we know, Sir, that nominated members are nominated according to certain discipline. Then I ask the question even though the non-official members were defeated at that time, whether, the defeat was a moral victory or a moral defeat, and I assure you, Sir, and any honest and sincere man will take that even though we were defeated and 14 members alone voted, we won the resolution morally. That is the verdict which I will give with regard to the fate of the resolution last time. Again, Sir, forgetting for the moment the arguments advanced against the resolution, all those people who spoke against the resolution—all of them are convinced that the existing Regulation is a stringent one and that it requires an amendment. If the opinion expressed by them is sincere, then I think I have achieved more by their opposition than by their supporting the resolution. If they are convinced that the provisions of the Regulation as they are, are very stringent, then why not they honestly come forward and vote with me for repealing the measure? Or why not they undertake the responsibility of bringing an amending bill? Then I would have supported it. My grievances are many even with regard to the promulgation behind the back of the representative assembly which I should think has made the Legislative Council a misnomer. Just answer that point. I would have supported an amending bill if one is brought before this House. That is quite a different thing. It is not our business. Without consulting the representatives of the people and the country at large, if Government pass a Regulation, then why should we ask them to bring an amending bill. If they think that the tone of the newspapers has improved they can very well take the initiative to bring in an amending bill. Even the Law Member was not willing to commit himself to such an opinion. Secondly even though 14 elected members voted last time, I ask the question whether others who voted against the Resolution in this House have all been returned again. Only one has been returned. Sir, so, the verdict of the House is not so important as the verdict of the country.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Does he know that only one member has been returned and that he has changed his opinion?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Never mind. My point is this. The verdict passed by this assembly has been overruled by the better verdict of the country at large and none of those members who opposed the resolution last time is returned to this House, except my learned friend Mr. Kunjitomman. Therefore what I submit is, Sir, that all those who spoke in favour of an amendment and who opposed the resolution simply because it urged for a repeal I think all of them are morally bound to support this resolution.

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Then, Sir, Mrs. Kuruvila, in a very beautiful speech, said that some of the provisions in the Regulation are stringent and she would like to have a section of the Press cleared out. Very well, she can work in that direction to create a clean Press. Sir, this Regulation has been enacted by the exercise of Royal Prerogative, and even if an amending bill is proposed by some of the non-official members of this House it could be vetoed by Government. For example, Mr. P. K. Narayana Pillai asked permission to introduce a repeal bill. That permission was not granted.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Was it an amending bill that Mr. P. K. Narayana Pillai sought to introduce?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): That bill was to repeal the Newspapers Regulation. The principle is the same whether it is for the repeal or for amendment of the Regulation. The principle is whether a law that has been enacted by exercise of the Royal Prerogative can be changed by another bill introduced by the non-official members of the House. Then again, who is to introduce an amending bill? Let the Government come forward and say that they are convinced of the fact that some of the provisions in the Regulation are very stringent, that since the passing of the Regulation the tone of the newspapers has generally changed and that the Regulation so required an amendment. Why not the Government come forward with a bill to amend it? Nothing of that sort is forthcoming. Some of the arguments urged against the resolution are paradoxical. Some say, Sir, that repeal is not necessary and that amendment is necessary. Sir, I am not able to digest these paradoxes which some of my friends seem to have digested. It is clear, Sir, that the majority is against the present Regulation as it is. It does not matter whether the Regulation should be repealed or amended. Even though Mr. Piraviperumal Pillai has tabled an amendment to my resolution that amendment is not acceptable even to the learned Deputy President, since it does not say in what lines the existing Regulation has to be amended.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): May I know—

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Let him hear me please.

If Mr. Piraviperumal Pillai is convinced that the Regulation as it stands requires amendment and if he is not now in a position to suggest and propose all the necessary amendments to the Regulation, why not—I ask—why not he vote in support of the resolution?

Then, coming to another argument advanced by the learned Law Member, it is a very technical matter, very difficult for me to understand, *viz.*, the argument in respect of the license system. He says that the freedom of the Press is safe even under this Regulation. I think, Sir, the position of the newspapers now is just like that of a man who after 6 P. M. or 10 P. M. is inside the lock-up in a Police

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Station in the presence of a policeman armed with the necessary weapons and asking him whether he has committed the offence of which he is suspected or accused and forcing him thereby to make a confession. Sir, what is the fate of the man in the lock-up? I submit, Sir, the position is the same in the case of the newspaper man at present with the Damocle's sword always hanging over his head. Sir, the Government are now armed with new powers, they have usurped the powers of the judiciary. As such, Sir, I request the Law Member to enlighten me how the freedom of the Press is safe now.

PRESIDENT: Your time is up.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): With these words, I press the resolution.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I shall not take up much time of the House as no member had anything material to say. The point that I was trying to establish was that the enactment of this Regulation was necessitated by certain reprehensible characteristics of a section of the Press in Travancore and that nobody ever denied the existence of those characteristics. After hearing me and what I said today no member came forward to say "so and so did deny this particular characteristic on the part of the newspapers." On the other hand Mr. K. P. Nilakanta Pillai himself, and some others also, had admitted that at least two papers were guilty of these characteristics and that no hard and fast rule could be laid down as to the number in a matter like this. That statement has not been explained away by Mr. Nilakanta Pillai. Once you grant that, I cannot see how any reasonable being can say that the necessity for the Regulation has not been made out.

Apart from the question of necessity for the Regulation, it was stated that the freedom of the Press has been affected If that point is substantiated, Sir, I grant there is ground for some legitimate grievance and that it certainly should be a matter for consideration. On that point also I have been carefully watching and waiting for enlightenment. But none has been forthcoming though many spoke on the other side.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is it the Law Member's point that because some revolutionaries make revolutionary speeches the whole of the public should be gagged?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I ask, Sir, how is the liberty of the Press affected? Do the papers want to publish seditious articles, articles calculated to promote class hatred, articles bringing the Royalty into contempt, articles villifying respectable individuals? Do they want to disseminate false information? I ask these questions and I was always asking them and nobody answered them. I know the reason why they did not answer. I can understand the fairness of the members of this House. I know they will not claim a right to publish these or confuse these with the liberty of the Press.

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The only inference therefore that every just man, every righteous man, every virtuous man will draw is that the Regulation cannot and does not affect the liberty of the Press and there is no harm in retaining the Regulation in the Statute Book of Travancore.

Apart from all these, Sir, has it at least been shown that this Regulation has been used by Government in such a way as to encroach upon the legitimate rights of the Press? Mr. K. P. Nilakanta Pillai even said, "It is a dead-letter". Does not that show, Sir, that the Government are very generous in this matter? Even under the Regulation, I maintain, that all the papers have as large a liberty as they ever had and they can exercise all their rights. As I said the Government are never vindictive. Nothing is farther from their desire than to restrain the freedom of the Press. At the same time they want to protect the rights of every subject.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know from the learned Law Member whether he shares the views of many members on this side of the House, that the Regulation requires amendment?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, Sir, no. It is the duty of Government to see that the legitimate rights of every person are safeguarded. I can understand that there is legitimate grievance if it is pointed out that the Government have used the provisions of the Regulation in such a way as to repress the legitimate writings of the Press. No such complaint has been made so far. And after all, what is it that the Government have done during the last two years after the passing of this Regulation? I do not see that even any plausible grievance can be urged by any person.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I know one or two cases in which the papers are *warned.*

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): So far, the Government have not applied the Regulation to any newspaper and no license has been cancelled. There is, therefore, no ground for bringing even a complaint. The only argument advanced time and again is the expression '*liberty of the Press*' '*liberty of the Press*'? But how is it affected? Nobody says. If only the members would remember that liberty means also the respecting of the rights of others, if that also is borne in mind.....

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether there should be any intermediary to make people understand what the rights of others are?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In some cases that may be necessary. So long as the Government have the responsibility for the maintenance of law and order and so long as they have got the responsibility to look after the rights of

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every subject impartially, they have to act. In these circumstances it seems to me, Sir, that the House can give only one verdict on this resolution, namely, that this Regulation has been justly introduced, that it is righteously worked and generously used and that it should be preserved in the Statute Book in the interests of the just rights of the citizens and the purity of the Press of this country.

The resolution was put to the vote of the House and lost.

MR. K P. NILAKANTA PILLAI (*Chirayinkil*) : I demand a poll.

A poll was taken and the House divided as follows :

AYES—19.

Mr. V. Chellam Pillai
,, A. G. Menon
,, R. Kesava Pillai
,, V. S. Krishna Pillai
,, K. Madhavan Pillai
,, R. Raman Pillai
,, K. G. Paramesvaran Pillai
,, Muruvelil Pachu Pillai
,, G. P. Nilakanta Pillai
,, V. J. Oommen
Mr. A. S. Damodaran Asan
,, Ittoop Itteechan
,, N. K. Krishna Pillai
,, Tariatu Kunjitomman
,, A. Thanu Pillai
,, L. R. Raja Raja Varma
,, K. Padmanabha Panikkar
,, Matthew Murikkan
,, K. P. Nilakanta Pillai

NOES 26.

Mr. P. N. Krishna Pillai
,, T K. Madhavan Nayar
,, Kayalam Paramesvaran Pillai
,, S. C. H. Robinson
,, J. Stephenson
Rao Sahib Dr. N. Kunjan Pillai
Mr. J. J. Daniell
Dr. K. Raman Tampi
Mr. A. C. Kuriakose
,, K. Madhavan
,, Revati Nal Rama Varma Raja
,, D. Francis
,, K. C. Karunakaran
Mr. T. P. Ramasubba Aiyar
,, K. N. Ramasubba Aiyar
,. R. Vaidyalingam Pillai
,. R. Dhanukoti Pillai
,, I. C. Chacko
,, A. Vipan
,. P. Gomatinayakam Pillai
Rao Bahadur K. A. Krishna Aiyangar
Mrs. E. Kuruvila
Mr. P. S. Mahomed
,. S. Piraviperumal Pillai
., D. C. Joseph
., K. N. Kesavan Nambutiripad.

NEUTRALS—2.

Mr. T. C. Kesava Pillai.
Mr. H. B. Mahomed Rowther.

The resolution was declared lost.

The following resolutions lapsed :

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LOCATION OF LIQUOR SHOPS.

5. MR. TARIATU KUNJITOMMAN (*Muvattupuzha* cum *Todupuzha*): This Council recommends to the Government that no liquor shops be located within a radius of four furlongs from schools, public offices and places of public worship.

PONMUDI TO BE MADE A SANATORIUM.

6. K. P. NILAKANTA PILLAI (*Chirayinkil*): This Council recommends to the Government that immediate steps be taken so that Ponmudi be made a sanatorium in the near future.

The Council was prorogued at 4-56 P. M.

P. N. KRISHNA PILLAI,
Secretary to the Legislative Council.

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